

Closed Caption Log, Council Meeting, 12/07/06

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Mayor Wynn: GOOD MORNING, I APOLOGIZE FOR THE DELAY, WE ARE HAVING SOME TECHNICAL DIFFICULTIES UP HERE WITH THE -- DIFFICULTIES WITH THE AGENDA. I'M AUSTIN MAYOR WILL WYNN, IT'S MY PRIVILEGE TO WELCOME MELVIN MANOR, PASTOR OF THE ST. PAUL BAPTIST CHURCH, ALSO AN EMPLOYEE UPSTAIRS IN OUR CITY LAW DEPARTMENT TO LEAD US IN AN INVOCATION. PASTOR?

LET US PRAISE GOD OUR FATHER WE COME TO YOU AS CITIZENS, ONE OF THE BEST CITIES IN THE WORLD. WITH THANKSGIVING ON OUR HEARTS, BUT TRULY YOU HAVE BLESSED AUSTIN ABOVE MEASURES AND FOR THESE WE SAY THANK YOU. LET US TAKE TIME TO ASK FOR FORGIVENESS OF ALL OF OUR SINS, THAT WE HAVE COMMITTED AND THAT -- THAT YOU WOULD WASH US CLEAN IN ORDER THAT YOU MIGHT BE ABLE TO USE US IN THIS GREAT CITY OF AUSTIN. LORD AS WE COME TOGETHER TODAY TO LOOK INTO THE GOVERNMENT AND DIRECTIONS OF THIS GREAT CITY, AND EVEN SURROUNDING CITIES, WE ARE GOING TO NEED YOUR GUIDANCE. SO WE ASK THAT YOU WILL GIVE GUIDANCE TO OUR MAYOR, CITY MANAGER, COUNCILMEMBERS, CITY ATTORNEY AND ALL DEPARTMENT HEADS AS THEY OFFER LEADERSHIP TO THE CITIZENS AND EMPLOYEES OF AUSTIN. HELP US TO MAKE AUSTIN A BLESSED ENVIRONMENT AND A SAFE PLACE FOR YOUR PEOPLE TO LIVE. CONTINUE TO LET AUSTIN ATTRACT OTHERS TO COME AND LIVE HERE AND TO BRING JOB OPPORTUNITIES TO THOSE WHO LIVE IN AUSTIN. AS WE LIVE

OUR LIVES DAY BY DAY, LET US, AUSTINITES, BE A BLESSING TO YOU AS WELL. THESE AND MANY BLESSINGS WE OFFER IN THE NAME OF JESUS CHRIST OUR LORD, AMEN.

Mayor Wynn: THANK YOU, PASTOR MANOR. THERE BEING A QUORUM PRESENT, BARELY, I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. IT IS THURSDAY, DECEMBER 7th, 2006, APPROXIMATELY 10:25 A.M. WE ARE IN THE COUNCIL CHAMBERS OF THE CITY HALL BUILDING, 301 WEST SECOND STREET. AND OF COURSE DECEMBER 7th... 7th, TODAY, WE ARE REMEMBERING THE 65th ANNIVERSARY OF THE BOMBING OF PEARL HARBOR. COUNCIL MEMBERS MIGHT WANT TO -- TO SAY A WORD OR TWO. I WOULD JUST LIKE TO -- AS A POINT OF PRIVILEGE, ACKNOWLEDGE MY FATHER, ROGER WYNN, WHO WAS A HIGH SCHOOL SENIOR IN PALESTINE, TEXAS, 17 YEARS OLD, AND NEVER HAD SEEN AN OCEAN AND -- JOINED THE NAVY AT MID TERM AND SERVED FOR THE DURATION OF THE WAR. SO BOTH AN ACKNOWLEDGMENT TO HIM, THAT ENTIRE GENERATION, 12 MILLION MEN AND WOMEN, AMERICANS WHO -- WHO ULTIMATELY SERVED IN THAT GREAT CONFLICT. OF COURSE AT PEARL HARBOR THAT DAY OVER 2400 AMERICANS LOST THEIR LIVES. MANY MORE WERE WOUNDED. I WOULD LIKE TO TAKE A MOMENT TO REFLECT ON THAT LOSS, ULTIMATELY THE SACRIFICE OF -- OF MILLIONS OF AMERICAN MEN AND WOMEN. FOR THIS DAY, DECEMBER 7th... 7th. PLEASE JOIN ME IN A MOMENT OF SILENCE AND REMEMBRANCE.

THANK YOU. I ALSO WANT TO ACKNOWLEDGE MY COLLEAGUE LEE LEFFINGWELL A VETERAN OF THE U.S. NAVY.

Leffingwell: THANK YOU FOR THE OPPORTUNITY, MAYOR. I HAVE A SPECIAL -- SPECIAL REMEMBRANCE NOT MYSELF PERSONALLY, BUT -- BUT I DID LOSE A FAMILY MEMBER DECEMBER 7th, 1941. HIS NAME WAS LIEUTENANT EDWARD GARY. HE WAS A GRADUATE OF TEXAS A&M UNIVERSITY. AND -- AND HE BECAME AN AIR FORCE BOMBING PILOT. AND A LOT OF PEOPLE AREN'T AWARE THAT PEARL HARBOR WAS NOT THE ONLY BASE THAT WAS ATTACKED ON DECEMBER 7th. BUT MY FATHER'S COUSIN, I GUESS IT MAKES -- IF THAT MAKES HIM MY COUSIN TO SOME DEGREE REMOVED, WAS --

AT CLARK AIR BASE IN THE PHILIPPINES. AND THEY HAD RECEIVED THE ALERT THAT THE -- THAT THE AIRPLANES, THE JAPANESE AIRPLANES WERE ATTACKING AND HE WAS ACTUALLY RUNNING ACROSS THE RAMP TO HIS AIRPLANE. WHEN HE WAS STRAFED AND KILLED. OF COURSE I REMEMBER THAT VERY WELL FROM MY AUNT, HIS MOTHER, TALKED ABOUT IT TILL THE DAY SHE DIED. SO -- SO LIEUTENANT EDWARD GARY, WAS HONORED BY HAVING AN AIR FORCE BASE NAMED AFTER HIM. MUCH LATER.....DECEMBER 7th HAS A VERY SPECIAL MEANING FOR ME.

Mayor Wynn: AS AN ADDITIONAL COMMENT COUNCILMEMBER, AT TEXAS A&M I LIVED ALL FOUR YEARS IN DAVIS-GARY DORM, NAMED AFTER LIEUTENANT GARY AND ALSO LIEUTENANT DAVIS WHO WAS KILLED AT PEARL HARBOR, TECHNICALLY LIEUTENANT GARY BECAUSE HE WAS ACROSS THE INTERNATIONAL DATE LINE. HIS DATE OF DEATH TECHNICALLY IS DECEMBER 8th, 1941, INTERESTINGLY ENOUGH, BUT WAS KILLED APPROXIMATELY THE SAME HALF HOUR AS -- AS LIEUTENANT DAVIS WHO WAS KILLED AT PEARL HARBOR, AS A FRESHMAN AT TEXAS A&M, IF YOU LIVED IN DAVIS-GARY DORM, YOU KNOW THE STORY OF BOTH OF THOSE LIEUTENANTS WHO THE DORM WAS NAMED AFTER.

Leffingwell: WELL, THAT'S VERY INTERESTING MAYOR. I HAVE NEVER DISCUSSED THIS BEFORE, I'M REALLY GLAD TO KNOW THAT WE HAVE THAT COMMON THREAD BACK THERE. SO THANK YOU VERY MUCH FOR MENTIONING THAT.

YOU ARE -- THANK YOU.

OKAY. SO WE HAVE A -- WE HAVE A -- MODERATE AGENDA POSTED TODAY. UNFORTUNATELY MY ELECTRONIC AGENDA IS NOT WORKING, I'M GOING TO TRY TO MUSCLE THROUGH THIS PAPER AGENDA. BECAUSE WE DO HAVE A HANDFUL OF CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. I WILL TRY TO ANNOUNCE THOSE NOW BEFORE WE TAKE UP THE CONSENT AGENDA. ITEMS NUMBER 7 AND 8 ARE TO BE POSTPONED TO DECEMBER 14th, 2006. ITEM NO. 9 IS WITHDRAWN. ITEM NO. 11 TO BE POSTPONE.ED TO DECEMBER 14th, 2006. ITEM NO. 26, WE NEED TO CORRECT

THE -- THE COST AND WE WILL STRIKE THE AMOUNT \$150,000 ON -- ON ALL THREE OF THE NOTATIONS FOR THAT FUNDING AND CORRECT IT WITH THE -- WITH THE -- THE SUM OF \$100,000. AND THEN THEREFORE THE TOTAL FUNDING WILL BE REDUCED FROM 300,000 TO 200,000, ITEM NO. 26. REGARDING THE GRANT FROM THE TEXAS WATER DEVELOPMENT BOARD. ITEM NO. 41, WE NEED TO STRIKE THE -- THE WORD TO AND INSERT THE WORD AND SO IT WILL BE TO CONDUCT A PUBLIC HEARING AND CONSIDER AN ORDINANCE. I BELIEVE THOSE ARE OUR -- OUR CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. MESS GENTRY?

DID YOU READ THAT 31 HAS BEEN WITHDRAWN?

OKAY. ITEM NO. 31 HAS BEEN WITHDRAWN OFF THE AGENDA AS WELL. 9 AND 31 WITHDRAWN, SO WE WILL NOT HAVE OUR AFTERNOON BRIEFING. OUR TIME CERTAINS FOR TODAY AT NOON WE WILL BREAK FOR OUR GENERAL CITIZENS COMMUNICATIONS, AT 3:00 WE WILL TAKE UP OUR AUSTIN HOUSING FINANCE CORPORATION BOARD OF DIRECTORS MEETING. AND TAKE UP THAT -- THAT SHORT AGENDA. AT 4:00 WE GO TO OUR ZONING CASES AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS POSTED AS ITEMS 32 THROUGH 39. 5:30 WITH BREAK FOR LIVE MUSIC AND PROCLAMATIONS, AT 6:00 P.M. WE HAVE PUBLIC HEARINGS, ITEM NO. 40 AND 41. AND COUNCIL AS OF THIS MORNING, NO -- NO ITEMS HAVE BEEN PULLED OFF THE CONSENT AGENDA. AND IF THAT'S STILL THE CASE, THEN I WILL READ OUR CONSENT AGENDA NUMERICALLY. FOR APPROVAL.

SO THE -- THE APPROVED CONSENT AGENDA PROPOSED WILL BE, TO APPROVE ITEMS 1, 2, 3, 3, 4, 5, 6, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 PER CHANGES AND CORRECTION. 27 ARE OUR BOARD AND ECONOMICS APPOINTMENTS. THEY ARE TO THE AFRICAN-AMERICAN RESOURCE ADVISORY COMMISSION, CHAQUITA EUGENE IS A CONSENSUS APPOINTMENT. SHE IS REPRESENTING THE CAPITAL CITY AFRICAN-AMERICAN CHAMBER OF COMMERCE. TO OUR COMMISSION ON IMMIGRANT AFFAIRS, SELENA WALL SHOULD IS A CONSENSUS APPOINTMENT. TO OUR DAY LABOR COMMUNITY ADVISORY COMMITTEE, BRUCE BANNER

IS A CONSENSUS APPOINTMENT. WITH AN EMPLOYER RELATED REPRESENTATIVE. TO OUR SOLID WASTE ADVISORY COMMISSION, KATHY URDY IS COUNCILMEMBER COLE'S APPOINTMENT. TO OUR URBAN RENEWAL BOARD DAPHNE HENRY IS MY REAPPOINTMENT. THAT'S ITEM NO. 27 FOR OUR BORED AND COMMISSION APPOINTMENTS ON THE CONSENT AGENDA. AND ALSO THE CONSENT AGENDA WILL INCLUDE ITEM NO. 28. I'LL ENTERTAIN A MOTION TO APPROVE THE CONSENT AGENDA. MOTION MADE BY COUNCILMEMBER COLE, SECONDED BY COUNCILMEMBER MCCracken TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? AND WE -- WE HAVE NO CITIZENS -- I TAKE -- NO CITIZENS SIGNED UP TO SPEAK ON ANY OF THE ITEMS ON THE CONSENT AGENDA. SO WITH -- HEARING NO COMMENTS, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCILMEMBER KIM OFF THE DAIS. THANK YOU ALL VERY MUCH. SO ... COUNCIL, WITH NO -- NO DISCUSSION ITEMS THEREFORE, BEFORE OUR CITIZENS COMMUNICATION TIME CERTAIN AT NOON, WE WILL NOW GO INTO CLOSED SESSION PURSUANT TO SECTION 551.071 OF THE OPEN MEETINGS ACT, TO.. TO -- WE HAVE ONE ITEM POSTED ON OUR EXECUTIVE SESSION AGENDA, THAT'S ITEM NO. 30, RELATED TO LEGAL ISSUES CONCERNING ANNEXATION OF THE LOST CREEK MUNICIPAL UTILITY DISTRICT. WE ARE NOW IN CLOSED SESSION. IF WE END DISCUSSION OF THIS ITEM NO. 30 IN CLOSED SESSION BEFORE NOON, I WILL COME OUT AND ANNOUNCE THAT WE WILL BE IN FORMAL RECESS UNTIL OUR NOON GENERAL CITIZENS COMMUNICATION. WE ARE NOW IN CLOSED SESSION. THANK YOU. WE WILL CONTINUE THAT DISCUSSION FOLLOWING CITIZEN COMMUNICATION. WE WILL NOW GO TO OUR NOONTIME CERTAIN. OUR FIRST SPEAKER THIS AFTERNOON IS MR. JOHN KIM. WELCOME BACK, MR. KIM. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY SCOTT JOHNSON.

THANK YOU, AGAIN. I GREATLY APPRECIATE ALL OF YOU AND MAYOR WILL WYNN AND MAYOR PRO TEM BETTY DUNKERLEY AND COUNCILMEMBER LEE LEFFINGWELL AND MIKE MARTINEZ AND JENNIFER KIM AND BRUCETER

MCCRACKEN AND CITY MANAGER, TOBY FUTRELL AND CITY CLERK SHIRLEY GENTRY. I GREATLY APPRECIATE THE U.S. GOVERNMENT AND TEXAS STATE GOVERNMENT AND AUSTIN CITY COUNCIL FOR MY BREATHING FRESH AIR AND GOOD FOOD AND HOT WATER AND ELECTRICITY AND SECURITY AND SAFETY. NICE CITY MOTOR SERVICE, BUS SERVICE. I REALLY APPRECIATE YOU. I MADE TWO SPEECHES AS AN INTRODUCTION TO MAKE A MOVIE OTHER THIS CASE. TODAY I'M GOING TO OPEN THE ACTUAL CASE OF THIS CASE. THIS CITY COUNCIL, BECAUSE THIS CASE IS ABOUT AUSTIN CITY RED MOND AND HIS FAMILY. AND THERE'S REASON WHY I SPEAK HERE IN FRONT OF AUSTIN CITY COUNCIL. I ALREADY HAD CONTACTED ALL OF THE CITY BRANCHES ON OUR GOVERNMENT, INCLUDING THE WHITE HOUSE AND THREE BRANCHES OF SOUTH CORE..... SOUTH KOREAN GOVERNMENT. AND INCLUDING THE TEXAS GOVERNOR'S OFFICE AND THE TEXAS LEGISLATURE OFFICE, BUT MY CONTACT DID NOT WORK FOR THE PAST SEVEN YEARS. AND HOPING THAT MY FACE TO FACE SPEAK TO YOU WILL MAKE A BIG DIFFERENCE. I'D LIKE TO SEE HOW GREAT POWER AUSTIN CITY COUNCIL HAS TO MAKE AMERICAN DEMOCRACY WALKABLE IN AUSTIN CITY. I SHOULD NOT GIVE UP THIS CASE TO PROTECT THE TEXAS COURT ORDER AND THE U.S. FEDERAL COURT ORDER, INCLUDING U.S. COURT OF APPEALS FOR THE FIFTH APPEALS COURT IN WHICH THIS CASE WON IN THE COURT, AND THIS CASE DEFEATED U.S. ATTORNEY GENERAL AND HOMELAND SECURITY SECRETARY. BUT SOUTH KOREAN GOVERNMENT AND AMERICAN NATIONAL GOVERNMENT VIOLATE TEXAS COURT ORDER. I.I WILL NOT SPECIFY THE COURT ORDER, BUT I LATER SPECIFIED THE COURT ORDER TO YOU BY WRITING. THIS CASE IS TOO BIG TO SPECIFY CASE IN FRONT OF PUBLIC. I DON'T WANT TO BE DIE UNTIL THIS CASE WILL BE CLEARED. [BUZZER SOUNDS] THANK YOU. I'LL COME BACK THE NEXT MEETING. MARILYN MORITZ THANK MEETING --

THANK YOU, MR. KIM. SCOTT JOHNSON WANTED TO DISCUSS AIR QUALITY ISSUES WITH US. I DON'T SEE HIM. THE NEXT SPEAKER IS CAROL ANNE ROSE KENNEDY. WELCOME BACK. YOU HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY JENNIFER GALE.

WELCOME BACK, COUNCIL. THE 10 COMMANDMENTS. THE

FIRST COMMANDMENT, Y'ALL SHALL FLUFT THE GOD THAT'S -
- SHALL TRUST IN THE GOD THAT'S ON THE MONEY. IF YOU
BELIEVE IN ONE GOD, KEEP IT TO YOURSELF, ESPECIALLY IN
SCHOOL. IF YOU BELIEVE IN DIFFERENT GODS AT DIFFERENT
TIMES, KEEP IT TO YOURSELF, ESPECIALLY AT THE OFFICE.
IF YOU BELIEVE IN NO GOD AT ANY TIME, KEEP IT TO
YOURSELF, ESPECIALLY AT CHURCH AND AT HOME. THE
SECOND COMMANDMENT, Y'ALL SHALL NOT COVET THAT
BABY'S CANDY. IF YOU ARE A DIABETIC, BEG THE MOMMA
FOR A PIECE, OTHERWISE GET JUST DESSERTS AT THE FREE
LUNCH. COMMANDMENT NUMBER THREE, Y'ALL SHALL
REMEMBER TO KEEP HOLY THE SABBATH DAY AND SUNDAY
AND JESUS CHRIST'S..S BIRTHDAY AND THE E DAY AND
FRIDAY AND THANKSGIVING DAY AND THURSDAY AND YOUR
WEDDING DAY AND WEDNESDAY AND PATRIOT DAY AND
TUESDAY. AS FOR MONDAY WORK IS OPTION NAL AS USUAL.
TOMORROW YOU COULD WAKE UP DEAD.

> THE FOURTH COMMANDMENT, Y'ALL SHALL STAY ON YOUR
OWN SIDE OF THE TRACKS LEFT YOU WAKE UP ON THE
WRONG SIDE. THE FIFTH AMENDMENT, Y'ALL SHALL NOT
TAKE THE NAME OF GOD IN VAIN. DON'T DAMN ANY ALIENS
EITHER. DON'T BEAR FALSE WITNESS AGAINST YOUR
NEIGHBOR UNLESS HE IS A SEX OFFENDER AND YOUR KIDS
ARE LATCH KEYS. THE SEVENTH COMMANDMENT, Y'ALL
SHALL NOT KILL UNLESS YOU ARE FIXING TO BE KILLED, BUT
FIRST TRY A WHITE LIE, CHEAT OR STEAL YOUR WAY OUT OF
THE SITUATION. THE EIGHTH MANNEDMENT, IF YOU SHALL
BE A CHILD, HONOR YOUR FATHER AND MOTHER. HONOR
YOUR CHILD UNTIL THE AGE OF REASON, AT LEAST WHICH
EVERYBODY SHALL HONOR EVERYBODY. COMMANDMENT
NUMBER NINE, Y'ALL SHALL NOT COMMIT ADULTERY UNLESS
GOD ONLY KNOWS IF OR THAT YOU'RE MARRIED.

THE 10th COMMANDMENT, Y'ALL SHALL STAY YOUR PLACE AT
THE TABLE. SHE PUT YOU THERE BASED ON SIZE, AGE OF
REASON, SOCIAL PREFERENCE AND RIGHT BRAINED OR
LEFT HNDED.....LEFT-HANDEDNESS IN THAT ORDER. NOW,
GO IN PEACE TO LOVE AND SEVEN THE WORLD. THANK YOU.

Mayor Wynn: OUR LAST SPEAKER IS JENNIFER GALE. SHE
SIGNED UP WISHING TO MAKE A MAYORAL ANNOUNCEMENT.
WELCOME, JENNIFER. YOU WILL HAVE THREE MINUTES. HI,

AUSTIN. TODAY LET'S GET OUT OF IRAQ. JENNIFER GALE'S NOW A DALLAS MAYORAL CANDIDATE, FELIZ NAVIDAD. CITY MANAGER, CITY ATTORNEY, CITY MAYOR WILL WYNN, COUNCILMEMBERS MARTINEZ -- WE'RE MISSING JENNIFER KIM, MCCRACKEN AND COLE. LEE LEFFINGWELL AND BETTY DUNKERLEY. THE HARD WORKING STAFF AND EMPLOYEES OF THE CITY OF AUSTIN, HAPPY HANAKKUH AND MERRY CHRISTMAS. I'M ASKING THE AUSTIN CITY COUNCIL TO CALL THE RESOLUTION ORDERING THE FEDERAL GOVERNMENT TO SECURE IRAQ'S BORDERS AND TO REMOVE ALL OUR EMPLOYEES TO END THE MURDER OF THE PEOPLE'S REPUBLIC OF IRAQ BY THE PEOPLE OF THE UNITED STATES OF AMERICA. I MOVED TO DALLAS ON SEPTEMBER SEVENTH AND I'M ANNOUNCING THAT I'M TRYING FOR MY FOURTH TIME TO BECOME A MEMBER OF THE DALLAS CITY COUNCIL. STRONG BUREAUCRATIC, 14 CANDIDATES ARE RUNNING FOR DALLAS. MY PLATFORM WILL BE TO MAINTAIN THE HEALTH OF EVERY CITIZEN OF DISLAS DPLAS OUR TIME. TO EDUCATE THE CHILDREN OF OUR HE... ELDERLY, TO DEMAND TO SOLAR POWER WILL BECOME A WAY OF LIFE. THAT A MINIMUM WAGE MAKE IT POSSIBLE TO AFFORD THE COST OF LIVING TAXES WITH ONLY ONE 40-HOUR A WEEK JOB. IT'S NOT ONLY TIME TO ASK THE WARRING CHRISTIANS IN OUR COMMUNITY TO STOP MURDERING THE PEOPLE OF IRAQ, BUT TO STOP CARING ABOUT OUR OWN FAMILIES BECAUSE THEY HAVE A SON OR DAUGHTER WITH AN INTENSE ATTRACTION TO THEIR OWN SEX. IT'S TIME TO MAKE SPANISH THE OFFICIAL LANGUAGE. WHY? BECAUSE TEXANS AREN'T AFRAID TO LEARN A SECOND LANGUAGE. LET'S BUILD A TRINITY RIF TRAILWAY AND FOCUS ON EROSION PROJECTS. IT HAS TAKEN FAR TOO LONG TO WORK ON THE SHOAL CREEK EROSION AND PESA..ASE PARK TRAIL WAY. IT SIMPLY ISN'T LOOK LIKE AUSTIN. I ASK EVERYONE TO GO DOWN TO 29TH STREET AND LOOK AT THAT. WE'RE ALL GOING TO ANTONE'S AND LISTENING TO STORYVILLE ON THE 15TH AND 16... 16TH OR WHILE THE AUSTIN CHRONICLE AND THE "AUSTIN AMERICAN-STATESMAN" LIVE IN THEIR FANTASY WORLD OF MOVIES AND MUSIC IT'S UP TO YOU AND ME TO SECURE OUR LIBERTY. WILL IT BE THE DRUM BEATS OF THE LITTLE DRUMMER BOY OR THE DRUM BEATS OF WAR. I'M ASKING YOU TO SPONSOR THAT RESOLUTION, AUSTIN.

THANK YOU. [BUZZER SOUNDS] F.

Mayor Wynn: THANK YOU, JENNIFER. COUNCIL, THAT CONCLUDES ALL OUR CITIZENS WHO HAVE SIGNED UP TO SPEAK, UNLESS SCOTT JOHNSON HAS COME IN THE ROOM. NOT SEEING SCOTT. SO NOW THERE STILL BEING NO DISCUSSION ITEMS PRIOR TO OUR 3:00 AUSTIN HOUSING AND FINANCE CORPORATION BOARD OF DIRECTORS, WE WILL GO BACK INTO CLOSED SESSION TO CONTINUE OUR DISCUSSION ON ITEM NUMBER 30, LEGAL ISSUES CONCERNING ANNEXATION IN THE LOST CREEK MUNICIPAL UTILITY DISTRICT WHVMENT WE END THOSE DISCUSSIONS A I'LL COME OUT AND ANNOUNCE THAT WE WILL NOW BE IN RECESS UNTIL THE 3:00 AHFC MEETING. WE'RE NOW IN CLOSED SESSION. THANK YOU.

Mayor Wynn: THERE BEING A QUORUM PRESENT, AT THIS TIME I'LL CALL BACK TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL. WE'VE BEEN IN RECESS FOR A COUPLE OF HOURS. JUST NOTE EARLIER TODAY WE CANCELLED THE 3:30 BRIEFING REGARDING THE MUNICIPAL ANNEXATION PLAN, BUT WE NOW CAN TAKE UP OUR 3:00 POSTED AUSTIN HOUSING FINANCE CORPORATION BOARD OF DIRECTORS MEETING. IN FACT, I GUESS I SHOULDN'T HAVE CALLED TO ORDER THIS MEETING OF THE CITY COUNCIL. I WILL NOW RECESS THAT ONE AND IN FACT CALL TO ORDER THIS MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION BRZ AND WELCOME MR. PAUL HILL GERS..... HILGERS.

GOOD AFTERNOON. I AM HERE WITH FOUR ITEM. ITEM NUMBER ONE IS TO APPROVE THE MINUTES OF THE SEPTEMBER 28TH, 2006 MEETING OF THE AUSTIN HOUSING FINANCE CORPORATION BOARD OF DIRECTORS.

QUESTIONS OF STAFF. WE HAVE A MOTION MADE BY BOARD MEMBER MCCRACKEN, SECONDED BY THE VICE-PRESIDENT TO APPROVE ITEM NUMBER ONE, THE MINUTES FROM THE LAST MEETING AS POSTED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

OPPOSED? MOTION PASS OZ A VOTE OF SIX TO ZERO WITH BOARD MEMBER KIM OFF THE DAIS.

THANK YOU. AHFC ITEM NO. 2 IS A PROJECT INVOLVING COMMUNITY PARTNERSHIP FOR THE HOMELESS, ONE OF OUR OUTSTANDING NONPROFITS WE HAVE MANAGED BY EXECUTIVE DIRECTOR FRANK FERNANDEZ IF HAVE YOU ANY QUESTIONS. BUT THE PURPOSE OF AHFC ITEM NO. 2 IS TO APPROVE THE NEGOTIATION AND EXECUTION OF A LOAN TO COMMUNITY PARTNERSHIPS FOR THE HOMELESS INCORPORATED IN COMPLIANCE WITH ALL APPLICABLE REQUIREMENTS AND PERFORMANCE GOALS UNDER OUR RENTAL HOUSING DEVELOPMENT ASSISTANCE PROGRAM IN AN AMOUNT NOT TO EXCEED WHUN THOUSAND DOLLARS TO -- \$100,000 NOT TO EXCEED A MINIMUM OF 2,000 UNITS AT LOCATIONS TO BE DETERMINED COMPRISING SIX BEDROOMS TO SERVE AS TRANSITIONAL HOUSING FOR VERY LOW INCOME HOMELESS MILITARY VETERANS. WE'RE RECOMMENDING THAT YOU APPROVE THIS NEGOTIATION AND EXECUTION FOR FO A TERM OF 20 YEARS AT ZERO PERCENT INTEREST OR AS OTHER SUCH TERMS AS DETERMINED NECESSARY AND APPROPRIATE TO FINANCE THE PROJECT. THIS WILL -- THIS BOARD ACTION WILL ENABLE STAFF TO ISSUE A COMMITMENT OF RHDA FUNZ, OUR RENTAL HOUSING DEVELOPMENT ADVERTISE SYS TENSE FUNDS, TO ALLOW THE COMMUNITY PARTNERSHIP FOR THE HOSPITAL TO ALLOW AT LEAST TWO SINGLE-FAMILY PROPERTIES FOR ACQUISITION THAT WILL EXPAND THEIR TRANSITIONAL HOUSING PROGRAM AND PROVIDE AN ABILITY TO SERVE THE HOMELESS POP FLAITION THE AUSTIN COMMUNITY. THE MONTHLY RENTS FOR THIS PROPERTY WILL BE BASED ON A SLIDING SCALE, WHICH IS NOT EXCEEDING 30% OF THE INDIVIDUAL'S MONTHLY INCOME. IT'S AGAIN IN ADDITION TO THEIR ONGOING PROGRAMS, THIS ACTION WILL ALLOW SOME FLEXIBILITY TO RESPOND TO THE MARKET CONDITIONS. WHEN THEY FIND THE PROPERTY THEY WILL BRING THAT BACK AND REVIEW IT WITH US AND WE'LL MAKE SURE THAT THE FINANCING IS STRUCTURE HD IN WAY SO THAT THIS PROJECT CAN BE SUCCESSFUL AND THE APPLICANT IS HERE IF YOU HAVE ANY QUESTIONS OF THEM. AND WE WOULD RECOMMEND THIS AS STAFF FOR YOUR APPROVAL.

THANK YOU, MR. HILGERS. QUESTIONS OF STAFF, BOARD OR OR APPLICANT? IF NOT, I'LL ENTERTAIN A MOTION ON ITEM NO. 2. MOTION MADE BY THE VICE-PRESIDENT, SECONDED BY BOARD MEMBER LEFFINGWELL TO APPROVE ITEM NO. 2 AS PRESENTED BY STAFF. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

OPPOSED? MOTION PASS OZ A VOTE OF SIX TO ZERO AGAIN WITH BOARD MEMBER KIM OFF THE DAIS.

AHFC ITEM NUMBER 3 IS TO AUTHORIZE AN AMENDMENT TO AN EXISTING LOAN THROUGH OUR RENTAL HOUSING DEVELOPMENT ASSISTANCE PROGRAM TO ANOTHER ONE OF OUR OUTSTANDING NONPROFITS, GUADALUPE NEIGHBORHOOD DEVELOPMENT CORPORATION IN COMPLIANCE WITH ALL APPLICABLE FEDERAL REGULATIONS, INCLUDING TITLE 24 CODE OF FEDERAL REGULATIONS, BY INCREASING A LOAN AMOUNT BY \$35,000 FOR A TOTAL LOAN NOT TO EXCEED \$395,000 FOR THE DEVELOPMENT OF SEVEN AFFORDABLE RENTAL UNITS IN THE GUADALUPE NEIGHBORHOOD. THIS IS REALLY IN ADDITION TO AN EXISTING LOAN THAT WAS GRANTED IN 2006 -- IN 2006 THEY COMPLETED THE CONSTRUCTION OF SIX AFFORDABLE RENTAL UNITS FOR LOW AND MODERATE INCOME FAMILIES AND IT WAS FINANCED THROUGH OUR LOAN PROGRAM AND WE'RE RECOMMENDING THAT WE ADD ANOTHER \$35,000 SO THAT THEY CAN DEVELOP A SEVENTH AFFORDABLE RENTAL UNIT. THIS COUNCIL IS WELL AWARE OF THE OUTSTANDING WORK THAT GUADALUPE HAS DONE IN THEIR COMMUNITY FOR MANY, MANY YEARS AND WE'RE EXCITED ABOUT THE FACT THAT THEY HAVE GOTTEN INTO THIS OPPORTUNITY AND SO WE VERY CONFIDENTLY RECOMMEND THIS ACTION FOR YOUR APPROVAL AS WELL. AND MARK ROGERS IS HERE IF YOU HAVE ANY QUESTIONS OF MARK.

THANK YOU, MR. HILGERS. FURTHER QUESTIONS OF STAFF, COUNCIL, OR OF MR. ROGERS FROM THE DEVELOPMENT CORP? IF NOT, I'LL ENTERTAIN A MOTION ON ITEM NUMBER 3.

MOVE APPROVALMENT.

MEXICO MADE BY BOARD MEMBER -- MOTION MADE BY BOARD MEMBER MCCracken TO APPROVE ITEM 234-B AS OUTLINED -- ITEM NUMBER 3 AS OUTLINED BY STAFF. FURTHER COMMENTS? MOTION PASS OZ A VOTE OF SIX TO ZERO.

> AHFC ITEM NUMBER 4, A LITTLE DIFFERENT NATURE OF A TRANSACTION FOR US, BUT ONE THAT WE AGAIN RECOMMEND FOR YOUR APPROVAL IS TO APPROVE THE RESOLUTION AUTHORIZING THE NEGOTIATION AND EXECUTION OF THE ASSUMPTION OF REGULATORY AGREEMENT AND CONSENT TO TRANSFER OWNERSHIP OF STASSNEY WOODS APARTMENTS, A BOND FINANCE PROJECT, FROM MID AMERICA APARTMENTS OF TEXAS LIMITED TO MID AMERICA APARTMENTS LIMITED PARTNERSHIP. WE'RE RECOMMENDING THE BOARD OF DIRECTORS APPROVE TRANSFERRING THE ASSETS FROM THE CURRENT OWNER, MID AMERICA APARTMENTS LIMITED, WHICH WILL ASSUME ALL THE REGULATIONS OF THE FWONDZ THE STASSNEY WOODS APARTMENTED LOCATED AT 1800 EAST STASSNEY LANE. THE TRANSFER OF THIS OWNERSHIP IS RECOMMENDED BECAUSE THEY ARE MORE FINANCIALLY STABLE AND STRONGER PARENT ENTITY, MID AMERICA APARTMENTS LIMITED PARTNERSHIP. AND IT BOASTS AN AWARD WINNING PORTFOLIO OF MULTI-FAMILY HOWTION ACROSS THE SOUTHEAST AND CENTRAL TEXAS MARKETS. THE TRANSFER OF OWNERSHIP WILL HAVE NO NEGATIVE IMPACT ON THE AUSTIN HOUSING FINANCE CORPORATION. WE THINK IT'S BEEN A REQUEST OF THE PARTNERS AND ALL FEES WILL BE PAID BY THE REQUESTER AND THE FINANCE CORPORATION WILL RECEIVE A FEE OF \$10,000 AT THE EXECUTION OF THESE DOCUMENTS. AND AGAIN, THE STAFF RECOMMENDS THAT WE TRANSFER THE OWNERSHIP AS REQUESTED.

THANK YOU PLRKS , MR. HILL GEMPLTZ.....MR. HILGERS. QUESTIONS OF STAFF OF THIS TRANSFER AS OUTLINED BY STAFF? IF NOT, I'LL ENTERTAIN A MOTION? MOTION BY BOARD MEMBER COLE, SECONDED BY THE VICE-PRESIDENT TO APPROVE THIS ITEM NUMBER 4, APPROVAL OF THE TRANSFER AS OUTLINED BY STAFF. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE

SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES AGAIN ON A VOTE OF SIX TO ZERO.

AND THAT'S ALL THE BUSINESS BEFORE THE AUSTIN HOUSING FINANCE CORPORATION TODAY.

U.T. THERE BEING NO MORE BUSINESS BEFORE THE FINANCE CORPORATION, WE NOW STAND ADJOURNED. I WILL CALL BACK -- AND WE WILL MAINTAIN OUR RECESS OF THE AUSTIN CITY COUNCIL UNTIL 4:00 P.M., WHICH WILL BE OUR TIME CERTAIN ZONING ORDINANCES, APPROVAL OF RESTRICTIVE COVENANTS. SO WE ARE NOW IN RECESS FOR THE NEXT 10 MINUTES. THANK YOU.

THERE BEING A QUORUM PRESENT AT THIS TIME I WILL CALL BACK TO ORDER THE AUSTIN CITY COUNCIL. WE HAVE BEEN RECESSED NOW AS A COUNCIL FOR QUITE SOME TIME. 8 MINUTES AFTER 4:00 P.M. WE NOW GO TO THE 4:00 ZONING AND APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. WELCOME BACK, MR. GUERNSEY.

THANK YOU MAYOR AND COUNCIL, I'M GREG GUERNSEY. OUR FIRST 4:00 ITEM FOR ZONING ORDINANCES AND RESTRICTIVE COVENANTS FOR THE HEARINGS THAT HAVE BEEN CLOSED. 32 . C14-06-0163 - CALAVAN II FOR THE PROPERTY AT 1204 SALINA STREET (BOGGY CREEK WATERSHED) FROM FAMILY RESIDENCE-NEIGHBORHOOD PLAN (SF-3-NP) COMBINING DISTRICT ZONING TO LIMITED OFFICE-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (LO-MU-CO-NP) COMBINING DISTRICT ZONING. READY FOR SECOND AND THIRD READINGS. THE OWNER HAS ENTERED INTO A RESTRICTIVE COVENANT TO COMPLY WITH COMMERCIAL DESIGN STANDARDS AS IT WAS MENTION THE AT OUR LAST HEARING LAST WEEK. ITEM NO. 33 IS C14-06-0185 - LAMAR SQUARE - THIS US A PROPERTY LOCATED AT 1340 AND 13442 LAMAR SQUARE, REZONING FROM GENERAL COMMERCIAL SERVICES (CS) DISTRICT ZONING TO GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY (CS-MU-CO) COMBINING DISTRICT ZONING. ALSO READY FOR

SECOND AND THIRD READING APPROVAL. THE OWNER'S AGENT HAS INDICATED TO STAFF THAT THE OWNER IS WILLING TO ENTER INTO THE COMMERCIAL DESIGN STANDARDS COVENANT WITH ONE CARVE OUT, WHICH SPEAKS TO JIENT.....JOINT ACCESS TO THE SOUTH PROPERTY. WITH THAT DEVIATION, THE OWNER IS READY TO SIGN, BUT HAS NOT ACTUALLY EXECUTED THE DOCUMENT. THE OWNER'S REPRESENTATIVE, MR. WITLIFF IS HERE TONIGHT TO SPEAK THAT THE OWNER WILL SIGN, HE JUST COULD NOT GET AHOLD OF HIM WITHIN THIS ONE WEEK TIME PERIOD. WITH THAT STAFF COULD OFFER BOTH OF THESE FOR CONSENT APPROVAL ON SECOND AND THIRD READINGS.

Mayor Wynn: THANK YOU, QUESTIONS OF STAFF, COUNCIL? COMMENTS?

MOVE APPROVAL.

MOTION MADE BY COUNCILMEMBER MCCRACKEN. SECONDED BY COUNCILMEMBER LEFFINGWELL TO APPROVE THE CONSENT AGENDA, THAT BEING TO APPROVE ON SECOND AND THIRD READING BOTH ITEMS 32 AND 33. NOTING THE RESTRICTIVE COVENANTS TO BE COMPLIANT WITH THE COMMERCIAL DESIGN STANDARDS. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCILMEMBER KIM OFF THE DAIS.

WE THEN MOVE ON OFF TO THE 4:00 ZONING, THESE PUBLIC HEARINGS ARE OPEN AND READY FOR POSSIBLE ACTION. ITEM NO. 34, C14-06-0098 - HARRIS RIDGE - FOR THE PROPERTY LOCALLY KNOWN AS 13809 HARRIS RIDGE BOULEVARD THIS IS A REZONING REQUEST FROM LIMITED INDUSTRIAL-CONDITIONAL OVERLAY (LI-CO) COMBINING DISTRICT ZONING TO TOWNHOUSE AND CONDOMINIUM RESIDENCE (SF-6) COMBINING DISTRICT ZONING FOR TRACT 1 AND LIMITED INDUSTRIAL (LI) DISTRICT ZONING FOR TRACT 2, WITH CONDITIONS. AND THE ZONING AND PLATTING

COMMISSION RECOMMENDED THIS FOR YOUR APPROVAL. IT IS READY FOR CONSENT APPROVAL ON FIRST READING ONLY. C14-06-0198 - LAURELWOOD COMMERCIAL SECTION FOUR - CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE AMENDING CHAPTER 25-2 OF THE AUSTIN CITY CODE BY REZONING PROPERTY LOCALLY KNOWN AS 9507 MANCHACA ROAD (SLAUGHTER CREEK WATERSHED) FROM COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT ZONING, AND GENERAL COMMERCIAL SERVICES (CS-CO) COMBINING DISTRICT ZONING TO GENERAL COMMERCIAL SERVICES (CS) DISTRICT ZONING. STAFF THE ZONING AND PLATTING COMMISSION RECOMMENDED APPROVAL. FOR GENERAL COMMERCIAL SERVICES CONDITIONAL OVERLAY OR CS-CO COMBINING DISTRICT ZONING. READY FOR ALL THREE READINGS..... READINGS. ITEM NO. 36, C814-06-0106 - 208 BARTON SPRINGS ROAD. I BELIEVE MAYOR AND COUNCIL WE HAVE A DISCUSSION POSTPONEMENT REQUEST. THE ADJOINING PROPERTY OWNER HAS REQUESTED POSTPONEMENT TO JANUARY 25th AND THE OWNER WOULD LIKE -- OWNERS REPRESENTATIVE WOULD LIKE TO SPEAK TO THAT POSTPONEMENT REQUEST. ITEM NO. 37 IS C814-89-0006.03(RCA) - CANYON RIDGE PUD REVISION #3 FOR THE PROPERTY LOCATED AT 7300 F.M. 2222 ROAD, AND 6500 AND 6508 JESTER BOULEVARD (WEST BULL THE RESTRICTIVE COVENANT AMENDMENT RECOMMENDING TO YOU BY THE ZONING AND PLATTING COMMISSION READY FOR CONSENT APPROVAL. ITEM NO. 38, C814-06-0068 - ST. DAVID'S P.U.D. LOCATED ON 32nd SPREAD, 30th STREET, BOUNDED BY 35. THIS WILL BE A DISCUSSION ITEM. POND SPRINGS PLAZA, IS ALSO A DISCUSSION ITEM, ITEM NO. 35. THAT CONCLUDES THE CONSENT ITEMS THAT I COULD OFFER AT THIS TIME, MAYOR.

Mayor Wynn: THANK YOU, MR. GUERNSEY. SO LET'S SEE COUNCIL LET'S TALK BRIEFLY ABOUT ITEM NO. 36 OUR PUBLIC HEARING WHERE WE HAVE A REQUEST APPARENTLY BY ADJACENT PROPERTY OWNER FOR A POSTPONEMENT. FOR A MONTH OR SO, FIVE WEEKS. AND -- AND PERHAPS -- PERHAPS THE --

MR. HEYTHAN DOWLETTE REPRESENTING THE OWNER OF 210 BARTON SPRINGS ROAD IS HERE, I BELIEVE MR. MICHAEL

WHALEN IS HERE ON BEHALF OF THE PROPERTY OWNER.

WELCOME. BEFORE HE BEGINS SPEAKING, WHAT OTHERWISE WAS GOING TO BE THE STAFF RECOMMENDATION FOR THIS CONSENT AGENDA ITEM?

Guernsey: PRIOR TO RECEIVING THE REQUEST FOR THE POSTPONEMENT, THERE WAS A DISCUSSION AT PLANNING COMMISSION, NEIGHBORHOOD SUPPORT, STAFF RECOMMENDED THE -- THE PROPOSED P.U.D. AT 208 BARTON SPRINGS ROAD. SO WE WERE GOING TO OFFER THIS FOR FIRST READING CONSENT. BUT WITH THIS POSTPONEMENT REQUEST -- THIS BRINGS US TO THIS DISCUSSION ITEM.

Mayor Wynn: STAFF READ FOR FIRST READING ONLY?

THAT'S CORRECT.

Mayor Wynn: THANK YOU, EXCUSE ME, WELCOME BACK.

THANK YOU, MAYOR, COUNCIL, IT'S NICE TO BE BACK. WE ARE THE ADJACENT LANDOWNER, TALKING WITH THE APPLICANT. WE WOULD LIKE TO WORK OUT SOME PROPERTY LINE ISSUES, SOME VIEW CORE BORE DOOR ISSUES. CORRIDOR ISSUES. WE WOULD LIKE TO HAVE THIS POSTPONED, THIS IS OUR FIRST REQUEST. THE APPLICANT'S ATTORNEY IS HERE AND I THINK THEY AGREE WITH ME.

YEAH, I'M SORRY, JUST TO EXPEDITE, MICHAEL WHALEN, WE JUST TALKED TO BOULDIN CREEK NEIGHBORHOOD ASSOCIATION AS WELL. I THINK EVERYBODY AGREED ON JANUARY 25th, IF IT'S HEARD ON ALL THREE READINGS ON JANUARY 25th, AND BOULDIN REQUESTED THAT STAFF LEGAL GET THE ORDINANCE TO THEM BY JANUARY 10th. IS THAT CORRECT?

[INDISCERNIBLE]

JANUARY -- ON OR BEFORE JANUARY 10th. THAT'S THE REQUEST.

Mayor Wynn: MS. TERRY DOES THAT SEEM A REASONABLE

TIME.

32, 33 DAYS I THINK, MAYOR.

I'M -- WHAT I'M GOING TO DO IS ASK GREG OUR -- WHETHER WE HAVE GOT ANY OUTSTANDING ISSUES THAT ARE GOING TO CAUSE US PROBLEMS WITH -- WITH GETTING THAT PROCESS BECAUSE I'M NOT SURE WHERE THAT IS BETWEEN THE LAW DEPARTMENT AND NPCD, KIND OF HELP ME HERE, GREG.

I THINK IT'S PROBABLY POSSIBLE TO DO IT. IT PROBABLY WILL NOT TAKE THE FORM OF JUST AN ORDINANCE, PROBABLY ORDINANCE AND RESTRICTIVE COVENANTS, THERE MAY BE SOME SPECIFIC PROVISIONS IN THIS AGREEMENT THAT STAFF AND LAW MAY COME BACK AND SAY THAT THEY COULD ONLY BE IN A PRIVATE RESTRICTIVE COVENANT. BUT THE MAJORITY OF IT I THINK CAN BE EITHER IN A PUBLIC COVENANT OR A CITY ORDINANCE. BUT I -- I WANT TO JUST CAVEAT THAT BECAUSE THERE MAY BE SOMETHING IN THERE THAT -- THAT THE CITY WOULD NOT BE ABLE TO SIGN AS PART OF A PUBLIC COVENANT.

MAYOR, COUNCIL, WHAT WE WILL DO, IS WE WILL MAKE THE EFFORT TO GET THIS MATTER DONE SO THAT IT WILL BE BACK BEFORE YOU ON THE DATE THAT IS REQUESTED. WE WILL -- WE'LL WORK IT. AS BEST WE CAN. WE ARE JUST GOING TO HAVE TO SEE HOW IT PLAYS OUT. WE WILL MAKE THE COMMITMENT TO COME BACK ON THAT DAY.

Mayor Wynn: AGAIN THE REQUEST IS BY THE NEIGHBORHOOD, NEARLY ALL OF US, IS TO BE ABLE TO LOOK AT ORDINANCE WELL IN ADVANCE OF -- OF ALL THREE READINGS ON THE 25th OF JANUARY.

YES. AND WE'LL -- WE'LL DO OUR BEST TO -- TO JUST DEPENDING ON HOW THINGS -- WE WILL KEEP EVERYONE ADVISED. OKAY?

Mayor Wynn: THANK YOU, MS. TERRY.

Gurensey:: MAYOR AND COUNCIL, I AM JUST TOLD THAT WE HAVE AN AGREEMENT BY THE ADJACENT PROPERTY

OWNERS ON ITEM NO. 39. THIS IS C14-06-0157 - POND SPRINGS PLAZA AT PROPERTY KNOWN AS 13233 POND SPRINGS ROAD (LAKE CREEK WATERSHED) FROM INTERIM-SINGLE-FAMILY RESIDENCE-STANDARD LOT (I-SF-2) DISTRICT ZONING TO GENERAL COMMERCIAL SERVICES (CS) DISTRICT ZONING FOR TRACT 1 AND COMMERCIAL-LIQUOR SALES (CS-1) DISTRICT ZONING FOR TRACT 2. ZONING AND PLATTING COMMISSION RECOMMENDED COMMUNITY COMMERCIAL, CONDITIONAL OVERLAY OR GR-CO COMBINING DISTRICT ZONING FOR TRACT 1 AND COMMUNITY EXCUSE ME -- AND COMMERCIAL-LIQUOR SALES-CONDITIONAL OVERLAY (CS-1-CO) COMBINING DISTRICT ZONING FOR TRACT 2 WITH CONDITIONS. MR. JERRY RUSTHOVEN THE DIVISION MANAGER FOR OUR DEPARTMENT WILL SPEAK TO THE AGREEMENT.

WELCOME, MR. RUSTHOVEN.

MAYOR AND COUNCIL, THE APPLICANT IS IN AGREEMENT WITH THE ZONING AND PLATTING COMMISSION RECOMMENDATION, WITH THE EXCEPTION OF THE REQUIREMENT FOR THE DOUBLE DOORS. THE NEIGHBORHOOD IS IN AGREEMENT AT STRIKING THAT REQUIREMENT. HOWEVER, BOTH THE NEIGHBORHOOD AND THE APPLICANT HAVE AGREED ON AN ADDITIONAL CONDITION THAT THE SPEAKERS ON THE OUTSIDE DECK WILL BE REMOVED. WITH THAT EVERYBODY IS IN AGREEMENT ON THIS CASE.

Mayor Wynn: THANK YOU, MR. RUSTHOVEN. LET'S SEE, JOHN LEARY SIGNED UP IN OPPOSITION. CAN YOU CONFIRM THAT THAT IS THE CASE? THANK YOU, JOHN. MR. BENNETT, I GUESS YOU CAN CONFIRM AS WELL. THANK YOU. AND I'M SORRY, MR. GUERNSEY, THEN THE RECOMMENDED -- THE RECOMMENDED CONSENT ACTION WOULD BE? ALL THREE READINGS?

Guernsey: WOULD BE FIRST READING ONLY. WE STILL NEED TO PREPARE THE COVENANT. WHEN WE SPEAK OF SPEAKERS, I THINK WE ARE SPEAKING OF AMPLIFIED SOUND THAT'S BASICALLY CURRENTLY ON THE DECK.

Mayor Wynn: ALL RIGHT. SO THANK YOU. SO WITH THAT THEN

COUNCIL, OUR PROPOSED CONSENT AGENDA ON THESE ZONING CASES WHERE WE HAVE YET TO CONDUCT A PUBLIC HEARING WILL BE TO ... ON ITEM NO. 34 CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY. ITEM 35, CLOSE THE PUBLIC HEARING AND APPROVE ON ALL THREE READINGS. POSTPONE ITEM 36 TO JANUARY 25th, 2007. NOTING A REQUEST -- THAT WOULD BE JANUARY 26th -- NO, I'M ON NEXT YEAR'S CALENDAR. TAKE YOUR WORD FOR IT, JANUARY 25th, 2007. WITH THE REQUEST FOR THE DRAFTING OF THE ORDINANCE TO OCCUR A COUPLE OF WEEKS IN ADVANCE OF THAT. TO -- ON ITEM NO. 37, APPROVE THE AMENDMENT TO THE RESTRICTIVE COVENANT. AND TO CLOSE THE PUBLIC HEARING AND APPROVE ITEM NO. 39 ON FIRST READING ONLY. I'LL ENTERTAIN THAT MOTION. MOTION MADE BY COUNCILMEMBER COLE. SECONDED BY THE MAYOR PRO TEM TO APPROVE THE CONSENT AGENDA AS READ. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH COUNCILMEMBER KIM OFF THE DAIS.

Guernsey: THANK YOU, MAYOR, COUNCIL, LET ME THEN GO ON TO ITEM NO. 38. C814-06-0068 - ST. DAVID'S PUD - CONDUCT A PUBLIC FOR THE PROPERTY KNOWN AS 919-1025 EAST 32ND STREET; 918-1004 EAST 32ND STREET; 900 EAST 30TH STREET; AND 3000-3018 NORTH I-35. THIS IS A REZONING REQUEST FROM GENERAL COMMERCIAL SERVICES-NEIGHBORHOOD PLAN (CS-NP) COMBINING DISTRICT -- OH, ZONING; GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-CO-NP) COMBINING DISTRICT ZONING; AND COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (GR-CO-NP) COMBINING DISTRICT ZONING TO PLANNED UNIT DEVELOPMENT-NEIGHBORHOOD PLAN (PUD-NP) COMBINING DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDED TO GRANT THE PLANNED UNIT DEVELOPMENT NEIGHBORHOOD PLAN DEFINING DISTRICT ZONING WITH SOME CONDITIONS. STAFF DID NOT RECOMMEND THE REQUEST. HOWEVER THE -- THE PLANNING COMMISSION'S RECOMMENDATION WAS TO

APPROVE THE NP -- P.U.D.-NP ZONING WITH THE FOLLOWING CONDITIONS. THAT THE MAXIMUM IMPERVIOUS COVER OF THE PROJECT BE LIMITED TO 87%. AND THAT THE TRAFFIC CIRCULATION IMPROVEMENTS MUST BE REALIZED WITH ACCESS FROM THE GARAGE TO 32nd STREET. THAT THE BUILDING HEIGHT AS GOVERNED WILL BE SHOWN AS FOLLOWS: IF YOU LOOK AT THE EXHIBIT, THAT WE HAVE ON YOUR SCREEN, THE AREA TO THE RIGHT, WHICH IS MORE YELLOWISH, WOULD BE DESIGNATED AS 175 FEET. AND THAT 30% OF THIS AREA COULD BE AT A HEIGHT OF 175 FEET AND THE BALANCE WOULD BE 90 FEET. THE AREA THAT'S IN THE MIDDLE, THAT'S KIND OF -- KIND OF A REDDISH COLOR, WOULD BE DESIGNATED AS THE 125 AREA THAT CONTAIN A HEIGHT OF 125 FEET OR 40% OF THAT AREA. AND THE BALANCE BEING AT 90 FEET. AND THEN THERE'S A NOTATION EXCEPTION FOR THE PARKING GARAGE PARALLEL TO RED RIVER. THE THIRD AREA WOULD BE FURTHEST TO THE -- TO THE LEFT, OR TO THE WEST OF THE SITE. AND THAT'S GOING TO BE KIND OF LIGHTISH GREENISH YELLOW AREA. THAT WOULD BE THE 90-FOOT AREA FOR THE FOOTPRINT OF THE [INDISCERNIBLE] BALANCE BEING 60 FEET. THE AREA IN PURPLE IS A GARAGE AREA THAT WOULD ALSO REMAIN AT 06 FEET. 60 FEET. THE TRAFFIC IMPACT RECOMMENDATIONS THAT ARE CONTAINED IN YOUR BACKUP WOULD ALSO BE CODIFIED AS A RESTRICTIVE COVENANT. THAT LANDSCAPING WITH SHADE TREES MUST BE INSTALLED ALL ALONG THIS ROUTING AND INTERIOR STREETS AS PER THE RECOMMENDATIONS OF THE CITY ARBORIST. AND THEN ALSO REQUIRING ONE STAR GREEN BUILDING READING ON ALL NEW CONSTRUCTION. SEPARATE FROM THE PLANNED UNIT DEVELOPMENT, THE PLANNING COMMISSION RECOMMENDS THE CITY STUDY TRAFFIC ISSUES ON THE 32nd STREET AREA BETWEEN RED RIVER AND I-35. THE PROPERTY IS CURRENTLY DEVELOPED WITH ST. DAVID'S HOSPITAL. THE HOSPITAL WAS CONSTRUCTED ORIGINALLY IN 1955. THE -- THE BOARD OF ADJUSTMENT HAS GRANTED HEIGHT VARIANCES FOR PROPORTIONS OF THIS PROPERTY GOING UP TO A HEIGHT OF 120 FEET. THE SURROUNDING PROPERTIES TO THE NORTH ARE ZONED MULTI-FAMILY AND COMMERCIAL AND DEVELOPED WITH RETAIL, SINGLE FAMILY RESIDENCES, PARKING AND THE EXISTING CONCORDIA UNIVERSITY. THE AREAS TO THE SOUTH ARE ZONED FOR

OFFICE AND RETAIL. AND CONSIST OF AN EXISTING APARTMENT COMPLEXES AND CONDOMINIUMS. TO THE EAST YOU HAVE I-35 AND TO THE WEST YOU HAVE L.O. AND MF 3 ZONING OR OFFICE AND MULTI-FAMILY ZONING AND APARTMENTS. THE PROPERTY IS LOCATED IN THE CENTRAL AUSTIN COMBINED HANCOCK PLANNING AREA. THE -- THE PROPERTY OWNER HAS ASKED TO WAIVE CERTAIN PORTIONS OF THE CODE WITH RESPECT TO THE HEIGHT. ALSO TO THE SPECIFIC PROVISIONS THAT REQUIRE THAT SITES MAY ONLY BE CONTIGUOUS TO EACH OTHER AND NOT CROSS A PUBLIC RIGHT-OF-WAY. A PORTION OF THE PROPERTY IS ON THE OTHER SIDE OF THE STREET AND SO THEY HAVE ASKED TO INCLUDE THAT IN. THERE'S A REFERENCE THAT THERE'S A WAIVER TO COMPATIBILITY STANDARDS. AFTER PLANNING COMMISSION AND DURING THE PLANNING COMMISSION HEARING THE OWNER HAS AGREED TO COMPLY WITH COMPATIBILITY STANDARDS WITH RESPECT TO THE HEIGHT AND SETBACK ISSUES. THE ADJOINING NEIGHBORHOOD AT HANCOCK WOULD LIKE TO SPEAK TO THIS ITEM, THE REQUEST AT THE PLANNING COMMISSION MEETING. THE PROPERTY OWNER IS PRETTY MUCH IN AGREEMENT WITH -- WITH THE MAJORITY OF THE PLANNING COMMISSION'S RECOMMENDATION, WITH SOME CAVEATS ABOUT THE LANDSCAPING BEING INSTALLED, ALONG THE STREET FRONTAGES. AND ALSO IN AGREEMENT WITH MOST OF THE HEIGHT RECOMMENDATIONS, WITH THE EXCEPTION OF THE AREA BEING 175 FEET AND LOOKING FOR AT LEAST 50% OF THAT AREA, NOT 30% OF THAT AREA. THIS IS THE AREA TO THE RIGHT THAT'S THE YELLOW AREA. WOULD HAVE A HEIGHT OF 175 FEET. AT THIS TIME I WILL PAUSE, I WILL LET THE APPLICANT'S AGENTS COME FORWARD. AND SPEAK TO THE -- TO THE ACTUAL REQUEST AND TO ARTICULATE THE -- THE DEVIATIONS TO THE PLANNING COMMISSION RECOMMENDATION THAT THEY ARE NOT IN AGREEMENT WITH. EITHER ONE IS FINE.

GOOD AFTERNOON, MAYOR, COUNCIL.

Mayor Wynn: LET'S CLARIFY. WE WILL HAVE A FIVE MINUTE APPLICANT PRESENTATION, LIKELY THERE MIGHT BE QUESTIONS BY COUNCIL. WE WILL HEAR FROM FOLKS WHO MIGHT BE IN FAVORITE AND FOLKS WHO MIGHT BE IN OPPOSITION AND GIVE YOU A CHANCE TO RESPOND TO

THOSE OBJECTIONS. SO WELCOME.

THANK YOU. FOR THE RECORD, MY NAME IS DOWE GULLATT, WITH THE LAW FIRM OF CLARK, THOMAS AND WINTERS, WE REPRESENT THE APPLICANT ST. DAVID'S HOSPITAL IN THIS CASE. I JUST NOTICED THAT DANA TWOMBLY OF EAST WOODS NEIGHBORHOOD JUST CAME INTO THE ROOM. MAYOR, COUNCIL, WE HAVE BEEN IN DISCUSSION AS LATE AS 30 MINUTES AGO ABOUT POSSIBLE SUPPORT BY EASTWOODS FOR US. SO I'M -- WE HAVEN'T HAD AN OPPORTUNITY TO REDUCE THAT TO WRITING OR TO A FINAL AGREEMENT. BUT I WOULD -- I DID WANT TO ALERT THAT THERE'S A PROSPECT THAT THEY MAY BE SUPPORTING US. AFTER I PRESENT THE APPLICANT'S CASE, I WOULD ASK THE COUNCIL FOR A BRIEF RECESS SO WE COULD AT LEAST TALK TO -- TO HER ABOUT THAT ISSUE. IF APPROPRIATE. ST. DAVID'S, AS YOU SEE ABOVE, IS A -- IS APPROXIMATELY A 15-ACRE TRACT OF LAND. THAT COMPOSES THE HOSPITAL AND VARIOUS OTHER MEDICAL USE BUILDINGS ON THAT CAMPUS. THE -- THE CURRENT SITE IS A LITTLE OVER 80% DEVELOPED WITH IMPERVIOUS COVER. THE SITE IS BOUNDED BY 30th STREET, 32nd STREET, THE FRONTAGE ROAD OF I-35 AND RED RIVER. THE REASON FOR THIS P.U.D. IS THAT WE ARE LAND LOCKED. WE HAVE NO PLACE TO GO BUT UP. SO WE ARE SEEKING THIS P.U.D. SO WE CAN FURTHER DEVELOP THAT SITE. UNDER CS DEVELOPMENT REGULATIONS, BUT -- BUT THE P.U.D. ALLOWS US THE ADDITIONAL HEIGHTS ASSET OUT IN THE RECOMMENDATION OF THE PLANNING COMMISSION. MR. GUERNSEY INDICATED THAT WE ARE CLOSE TO BEING IN THE AGREEMENT WITH THOSE RECOMMENDATIONS. HOWEVER, THERE ARE SEVERAL IMPORTANT AREAS WHERE -- WHERE WE WOULD ASK THAT -- THAT THE PLANNING COMMISSION RECOMMENDATION BE MODIFIED. THAT'S IN YOUR BACKUP, FIRST OF ALL WE HAVE AGREED TO LIMIT THE SITE TO 85% IMPERVIOUS COVER. WHICH MAKES IT A SUPERIOR DEVELOPMENT OVER CURRENT DEVELOPMENT REGULATIONS WHICH YOU HAVE GOT ABOUT 5% LESS IMPERVIOUS COVER BEING ALLOWED UNDER THIS P.U.D. CURRENT DEVELOPMENT REGULATIONS ALLOW UP TO CLOSE TO 93%. IMPERVIOUS COVER. THE SECOND -- THE SECOND RECOMMENDATION IS A PERMISSIVE REGULATION AS WE UNDERSTAND IT, WHICH

ALLOWS, WE ARE BUILDING A NEW -- A NEW PARKING GARAGE IN THE MEDICAL OFFICE COMPLEX ON THE FRONTAGE OF I-35. AND WE'VE DESIGNED IT THAT TRAFFIC CAN GO THROUGH THE EXISTING.....EXISTING PARKING GARAGE, ALLOWS FOR AN ACCESS POINT BACK TO 32nd STREET. THIS IS NOT A MANDATORY REQUIREMENT BECAUSE THERE WILL STILL BE ACCESS POINT TO 30 STREET. THIS IS -- WE AGREE WITH THAT, WE WILL DESIGN IT TO ALLOW CERTAIN OF THE TRAFFIC TO GO TO 32nd STREET. NEXT OTHER THAN THE -- WE ARE HAPPY WITH THE PLANNING COMMISSION'S RECOMMENDATION RELATING TO THE AREA CLOSEST TO RED RIVER. WE WOULD LIKE THE ABILITY TO GO TO 90 FEET FOR THE FOOTPRINT OF THE NEONATE TALL FACILITY. WHICH IS THE ACUTE CARE HOSPITAL. THE BALANCE OF THAT AREA IS OUTLINED ABOVE, WE WOULD KEEP AT A 60-FOOT AREA. THE MIDDLE SECTION DESIGNATED AS A 90-FOOT AREA, WE WOULD LIKE THAT TO BE ALLOWED TO BE AT A TOTAL OF -- OF UP TO 40% AT 125. THERE'S A LITTLE BIT OF DISCONNECT IN THE PLANNING COMMISSION, IT'S AGENTS CONFUSING. THERE WAS -- A LITTLE CONFUSING. SOME EFFORT TO MOVE THAT LINE CLOSER, WE NEED THAT FULL AREA AS DESIGNATED BECAUSE OF THE PARK ST. DAVID'S BUILDING THERE. THAT FRONTS, IF YOU HAVE BEEN TO ST. DAVID'S, THERE'S A BEAUTIFUL COURTYARD ON THE INTERIOR. MEDICAL REGULATIONS REQUIRE THAT PATIENT'S ROOMS HAVE VIEWS TO OUTSIDE AREAS. IF WE MOVE THAT FRONT FLOOR PRINT THEM WE HAVE PROBLEMS WITH OUR CERTIFICATION AS TO THAT AREA. WE NEED A LIMITATION OF 40% OF UP TO 125. THE BALANCE OF THAT AREA WOULD BE AT 09 FEET. -- 09 FEET. THE AREA -- 90 FIGHT. THE AREA CLOSEST TO I-35 THE PLANNING COMMISSION RECOMMENDATION OF 30% UP TO 175. WE WOULD ASK AND REQUEST THAT THAT BE ALLOWED TO BE UP TO 50%. THE EXISTING VARIANCE THAT MR. GUERNSEY TALKS ABOUT IS FOR THE CONSTRUCTION OF A MEDICAL OFFICE BUILDING. AND THAT FOOTPRINT ALONE IS ABOUT 30% OF THAT SITE. SO WE NEED ADDITIONAL -- ADDITIONAL 20% ABOVE THE PLANNING COMMISSION RECOMMENDATION TO GET TO 50% TO GO TO 175. WE WOULD -- THE BALANCE OF THE -- OF THE RECOMMENDATIONS ARE FINE WITH US. AND WE WOULD ASK YOUR SUPPORT OF THOSE. WE HAVE AGREED TO LIMIT

FAR TO A BLENDED THREE TO ONE RATE. ACROSS THE SITE. AND THAT WILL LIMIT THE AMOUNT OF -- OF MASSING ON THE -- ON THE SITE. THERE'S BEEN SOME CONCERN ABOUT -- ABOUT 32nd STREET. AND WE HAVE SOME PICTURES OF THE -- NOT 32nd STREET, RED RIVER. THERE'S BEEN CONCERN ABOUT WHAT THE LOOK AND FEEL OF THAT IS. THERE'S AN EXISTING RETAINING WALL ALONG RED RIVER. WHICH -- [BEEPING] LIMITS WHAT WE CAN DO.

MAYOR, IF I MAY CONTINUE.

Mayor Wynn: COUNCIL WE ONLY HAVE TWO FOLKS WHO HAVE EVEN SIGNED UP ON THIS CASE TO SPEAK. IT'S RELATIVELY COMPLICATED, WITHOUT OBJECTION I WOULD LIKE TO HAVE THE CONTINUATION OF THE PRESENTATION.

I THINK OTHER PEOPLE IN SUPPORT OF THE APPLICANT WERE SIGNED UP, I DON'T KNOW IF THAT GOT ON THE -- ON YOUR DAIS. BUT WE INTENDED TO HAVE THEM SIGN UP. I APPRECIATE IT, MAYOR. ANYHOW, WE HAVE LOOKED AT WAYS THAT WE CAN SOFTEN THAT FEEL THERE. WHAT YOU HAVE IN FRONT OF YOU, WHAT IT EXISTING LOOKS LIKE, LOOKING NORTH TOWARDS THE NEONATAL FACILITY. YOU CAN SEE THE RETAINING WALL. IF YOU SHOW THE NEXT SLIDE, WHAT WE HAVE DONE IS THAT'S THE -- THE SAME ONE. WHAT WE HAVE DONE IS PUT LANDSCAPING UP ABOVE TO SOFTEN THE FEEL AGAINST THE BUILDING. ALSO PUT FIG IVEY ALONG THAT RETAINING WALL, WHICH SOFTENS THE IMPACT OF THAT AREA. DOWN TOWARD 32nd STREET THERE'S A BUS STOP. ON THE AREA NORTH OF THE BUS STOP WE HAVE AGREED TO INCREASE THE SIZE OF THAT SIDEWALK TO APPROXIMATELY 10 FEET. IT'S CURRENTLY NOW NARROW UP TO FIVE FEET. WE THINK THAT WILL HELP THAT CORNER THERE BY INCREASING THE SIZE OF THAT. WE CAN'T EXPAND THE SIDEWALK, IT'S ALL IN THE RIGHT-OF-WAY TO THE SOUTH. BECAUSE IT'S NOT OUR PROPERTY. THERE'S PHYSICAL CONSTRAINTS OF THE RETAINING WALL. TO THE SOUTH WE ARE GOING TO IN THE NEXT SLIDE YOU WILL SEE A PICTURE WHERE WE HAVE SOFTENED THE -- THE -- THAT'S THE SAME PICTURE I THINK. WE HAVE SOFTENED ACROSS THE RETAINING WALL TO THE SOUTH. THERE'S AN ADDITIONAL SLIDE SOMEWHERE IN OUR PACKET THAT SHOWS THAT WOOD FENCE IS ALSO GOING TO BE AN

ATTEMPT TO SOFTEN THAT AREA. AND THE AREA TO THE SOUTH OF THE STRUCTURE THAT YOU SEE IN THE MIDDLE OF THAT PICTURE IS THE CENTRAL CHILLER. THAT PROVIDES FOR MOST OF THAT PART OF THE -- OF THE SITE. TO THE SOUTH OF THAT AREA IS A OWE.... -- IS A LANDSCAPED AREA WITH BEAUTIFUL TREES IN IT THAT GOES ALL THE WAY TO -- TO THE STREET. TO 30th STREET. AND IN THE -- IN THAT PORTION WE -- WE PROPOSED TO INCREASE THE -- THOSE SIDEWALKS IN THAT AREA TO HELP THE WALKABILITY OF THAT SECTION. THAT'S OUR EFFORT, MAYOR, TO SOFTEN THAT SIDE OF IT AND WE COMMIT TO MAKE THOSE SOFTENING EFFORTS ON THAT SIDE. WE STARTED MEETING WITH THE NEIGHBORHOODS, MAYOR, TWO OR THREE YEARS AGO. AND THEY IDENTIFIED TWO MAIN CONCERNS. THEY WERE CONCERNED ABOUT THE HEIGHTS THAT THIS P.U.D. WOULD -- WOULD ALLOW AND THEY WOULD -- THEY WERE CONCERNED ABOUT WHAT THE TRAFFIC IMPACTS WERE OF THIS. WE CAME UP WITH A CONCEPT OF STAGING THE HEIGHTS WITH THE LOWEST HEIGHTS ON RED RIVER TO THE TALLEST AREAS ZONES ALL THE WAY TO -- TO THE INTERSTATE. THAT WAS AN AREA, A WAY TO TAPER AWAY FROM THE NEIGHBORHOODS AND BUILD THE -- THE FACILITY OUT WITH THE SQUARE FOOTAGE THAT WE NEED OVER TIME. AND THAT WAS -- THAT'S WHERE WE CAME UP WITH THE ZONES. WE WERE AGREEABLE. WE NEVER INTENDED TO MAKE MASSES OF BLOCKS OF HEIGHTS THERE, WE INTENDED TO MAKE IT ARCHITECTURALLY PLEASING, THAT'S WHERE THE PERCENTAGES CAME IN OF THE MAXIMUM HEIGHTS THAT YOU COULD GO TO. WITH THE LIMITATION OF FAR, THE AMOUNT OF SQUARE FOOTAGE THE HOSPITAL CAN BUILD OVER TIME, THIS IS OVER TIME, 20, 25 YEAR TIME FRAME, IS PROBABLY DOUBLING THE SQUARE FOOTAGE. IF YOU LEAVE THAT -- IF YOU LEAVE THAT -- THAT -- CHART THAT YOU HAD UP THERE, WE ADDITIONALLY STARTED LOOKING AT THE AREAS OF TRAFFIC AND STARTED MAKING AGREEMENTS THAT COULD HELP TRAFFIC. AND -- AND THOSE -- THE ITEMS THAT ARE SET OUT THERE ARE SOME OF THE AREAS THAT WE HAVE ALREADY COMMITTED TO DO TO HELP THE TRAFFIC SITUATION IN THIS AREA. PRIMARILY, AMONG THOSE AT -- I THINK WILL BE VERY HELPFUL IS UPGRADED DIRECTIONAL SIGNAGE TO HELP PEOPLE FLOW AROUND THE COMPLEX AS THEY TRY TO GET TO THE MAJOR

ARTERIALS. THE TIA REQUIRES THAT WE PAY OUR PRO RATA PORTION OF A TRAFFIC SIGNAL WHEN IT'S NECESSARY AT 30th STREET. AND THE PLANNING COMMISSION RECOMMENDATION REQUIRES THAT AND WE ARE -- WE ARE WILLING TO POST OUR FISCAL ON THAT ISSUE. THE LAST ITEM WE WILL JOIN IN THE REQUEST WITH THE NEIGHBORHOOD TO WIDEN 32nd... 32nd. 32nd STREET IS -- AS THOSE OF YOU WHO TRAVEL IN THE AREA, KNOW THAT IT'S A TWO-LANE ROAD. THERE IS ADDITIONAL RIGHT-OF-WAY THAT THAT ROAD CAN BE WIDENED TO TAKE THE ADDITIONAL NEED FROM THE NEIGHBORHOOD FROM ADDITIONAL DEVELOPMENTS THAT MAY OCCUR IN THE AREA AND AS THIS WHOLE AREA EVOLVES. WE HAVE AGREED TO LOOK AT PROVIDING A MIDDLE TURNING LANE OR PAYING OUR PRO RATA SHARE OF THE MIDDLE TURNING LANE IN THAT PORTION OF THE ROAD. THERE ARE OTHER THINGS THAT WE ARE LOOKING AT THAT -- THAT TO HELP THE TRAFFIC IN THAT AREA THAT WE ARE STILL DISCOVERING IN THAT PROCESS. ONE IS THE POSSIBLY OF A TURNING SIGNAL FROM 32nd STREET TO RED RIVER. THERE'S SOME CONCERNS ABOUT THAT FEASIBILITY BECAUSE THE ROADS DON'T EXACTLY ALIGN. 32nd STREET JOGS WHEN IT CROSSES RED RIVER. THERE'S A -- THERE'S A VERY BIG JOG. AND SO THERE'S SOME CONCERNS ABOUT WHETHER A SIGNAL AT THAT LIGHT WOULD BE FEASIBLE BECAUSE OF THE WAY IT'S CONFIGURED. THERE'S SOME OTHER THINGS THAT WE ARE LOOKING AT THAT BY THE TIME WE GET TO SECOND AND THIRD READING ON THIS THAT WE COULD POSE OR REACH AGREEMENT WITH THE NEIGHBORHOODS ON THOSE ISSUES. LET'S SEE IF THERE'S ANYTHING ELSE THAT I NEED TO ENLIGHTEN YOU ON AT THIS POINT. SO WITH THE -- WITH THE PLANNING COMMISSION -- [BEEPING] RECOMMENDATIONS, AS MODIFIED BY MY PRESENTATION TODAY, WE WOULD SUPPORT FROM COUNCIL FOR THE P.U.D. AS REQUESTED. ONE LAST THING, MAYOR, THERE'S A WHOLE SHOPPING LIST OF USES THAT ARE IN THE APPLICATION, THEY ARE ALL MEDICAL AND MEDICAL OFFICE, MEDICAL FACILITY-TYPE OF USES. THE LIST IS RATHER LONG, BUT WE WENT TO CITY STAFF AND THEY CAME UP WITH THAT LONG LIST. THE IDEA IS TO KEEP THIS FACILITY AS A MEDICAL COMPLEX. MEDICAL OFFICES, DELIVERY OF MEDICAL SERVICES. AND CURRENT ZONING ALLOWS USES

OUTSIDE OF THAT. SO THERE'S A RESTRICTION TO MEDICAL ONLY IN THIS AREA. I WOULD BE HAPPY TO ANSWER ANY QUESTIONS.

Mayor Wynn: THANK YOU, MR. GULLET. QUESTIONS FOR THE AGENT? COUNCIL? MAYOR PRO TEM?

Dunkerly: [INAUDIBLE - NO MIC] HOW TALL IS THAT CHILLER?

IT'S A LITTLE TALLER THAN 50 FEET.

Dunkerly: IN THE NEW -- IT WON'T BE ANY HIGHER THAN THAT, IN THE NEW DEVELOPMENT, WILL IT?

NO, MA'AM.

Dunkerly: STAY THE SAME?

THE CHILLER IS NOT HE-- RATHER EXPENSIVE AREA TO CONSTRUCT. IT'S GOING TO STAY THERE.

Dunkerly: YOU ARE NOT GOING TO BUILD ON IN A.

THAT'S A 60-FOOT ZONE, A LITTLE TALLER THAN 50 FEET. IT'S GOING TO STAY 50 FEET.

Dunkerly:.

Dunkerly: I DO LIKE THE EFFORTS THAT YOU HAVE MADE ON THE LANDSCAPING. ON THE -- ON THE WALL, THOUGH, THE NEONATE TALLAL UNIT ARE THERE ARCHITECT TALL THINGS THERE THAT YOU CAN DO TO MAKE IT NOT LOOK SO FLAT?

THE APPLICANT IS COMMITTED TO AVOIDING A MASSING LOOK THERE.

Dunkerly: SOME KIND OF ARTICULATION.

YES TO MAKE THAT LOOK NOT LIKE A WALL ALONG THERE. RIGHT NOW THERE'S AN ELEVATOR TOWER THAT PROTRUDES AND IT SIT THE FARTHEREST OUTINGS UP THE EXIST -- OUT, GOES UP THE EXISTING HEIGHT OF THE BUILDING. OBVIOUSLY IT'S GOING TO HAVE TO GO THE FULL

HEIGHT OF THE 90. BUT BY IT'S NATURAL PHYSICAL CONSTRAINT, THE BUILDING ITSELF WOULD BE SET BACK AND WE ARE COMMITTED TO MAKING AN ARCHITECTURAL FEEL, ENHANCEMENT, SO IT DOESN'T LOOK LIKE A WALL AS MUCH AS POSSIBLE. FFERS SNIWPG THAT.....POSSIBLING.

THAT WOULD BE HELPFUL.

Cole: MAYOR, I HAD A QUESTION. I AM LOOKING AT PLANNING COMMISSION RECOMMENDATIONS, I'M NOTICING THAT YOU HAVE THE EXISTING ACUTE CARE FACILITY, MEETING THAT FOOTPRINT I GUESS WILL BE AT 90 FEET AS OPPOSED TO 60 FEET. CAN YOU LAY OUT THE REASONING FOR THAT?

WELL, THAT'S REAL SIMPLE. THOSE ARE VERY IMPORTANT MEDICAL DELIVERY SERVICES, WHERE THE NEONATAL SERVICES ARE PROVIDED. THAT AREA IS UNFORTUNATELY REALLY GROWING IN NEED. WE NEED TO -- TO GO UP MORE - - MORE STORIES THERE TO DELIVER ADDITIONAL SERVICES TO THOSE TYPES OF -- OF PATIENTS. DOESN'T WORK TO MOVE IT TO ANOTHER PART OF THE FACILITY, BECAUSE THEN YOU HAVE TIME AND -- AND HEALTH SAFETY ISSUES INVOLVED THERE. IT'S JUST COMBINED TO THAT FOOTPRINT OF THAT BUILDING BECAUSE THE BUILDING ADJACENT TO IT IS ALREADY BUILT AND CAN'T TAKE ANY ADDITIONAL FLOORS ON THAT SO YOU CAN'T JUST SLIDE IT OVER. IT'S -- IT'S THE EXISTING STRUCTURE TO THE EAST OF IT WOULD NOT SUPPORT ADDITIONAL HEIGHT. SO ALL THAT WE ARE ASKING FOR IS THAT FOOTPRINT AND IT'S MEDICAL REASON THAT'S WE NEED TO KEEP IT CONFINED TO THAT LOCATION.

Cole: THEN CAN YOU EXPLAIN, I ALSO NOTICED THAT THE BALANCE WAS AT 60 FEET, IS THAT THE AREA AROUND RED RIVER? I'M JUST NOT GETTING -- IS THAT THE AREA CLOSEST TO RED RIVER?

IF YOU COULD PUT THE PICTURE BACK UP AGAIN. I'M TRYING TO GET AT THE NEIGHBORHOOD CONCERNS, BECAUSE I KNOW THE NEIGHBORHOODS AREN'T JUST ON THE OTHER SIDE OF RED RIVER.

RIGHT. THE AREA OF THE 90 FEET IS ONLY THE FOOTPRINT

OF THE ACUTE CARE CENTER, WHICH IS IN THE NEONATAL CENTER, WHICH IS RIGHT THERE AT THE CORNER OF -- IF YOU LOOK AT THE DIAGRAM IT'S IN THE PACKET THAT I PROVIDED TO EACH ONE OF YOU. AND IF YOU COULD -- IF YOU COULD POINT THAT OUT, WHERE THE FOOTPRINT AND TRACE THE LINE, THAT'S THE LINE OF THE ACUTE CARE. THAT WOULD BE -- THAT WOULD BE A 90-FOOT AREA. TO ALLOW ESSENTIALLY TWO MORE FLOORS TO GO ABOVE WHAT'S EXISTING THERE. THE OTHER AREA, YOU SEE THE HEAVY LINE, IF SOMEONE WOULD POINT THAT OUT, THE HEAVY LINE, FOR THAT WHOLE REGION, THAT AREA, THAT DOES FACE THE -- BOTH -- BOTH DIRECTIONS, WOULD BE MAINTAINED AT A 60-FOOT AREA. AS I MENTIONED THE CHILLER AREA IS RIGHT IN THE MIDDLE OF THAT, THAT'S 51 FEET, WOULD NOT GO ANY HIGHER.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS ON THE APPLICANT?

YOU OF COURSE WILL HAVE A REBUTTAL HERE IN A FEW MINUTES IS AND WE WOULD LIKE TO TRY TO SUPPORT SOME SORT OF MODIFIED FORM OF THIS PRESENTED P.U.D. APPLICATION TONIGHT; HOWEVER, THERE HAVE BEEN A FEW BIG LAST MINUTE CHANGES THAT HAVE REALLY CAUSED US A LOT OF CONCERN AND BACKED US UP A LITTLE BIT FROM WHERE WE WERE. WE WERE A LITTLE BIT CLOSER TO AGREEMENT I THOUGHT. AND I'LL GO OVER THOSE ISSUES HERE. BUT ANYWAY OF THE P.U.D. BECAUSE THERE WERE TOO MANY QUESTIONS ABOUT HEIGHT AND USE AND TRAFFIC. TO OUR MIND THE P.U.D. HAD FAILED TO DEMONSTRATE THAT IT WAS A SUPERIOR DEVELOPMENT. PLANNING COMMISSIONS AND STAFF FELT THE P.U.D. DID NOT MEET THE REQUIREMENT TO SUPPORT SUPERIORITY OVER CONVENTIONAL ZONING AS WELL AS THE STAFF OPPOSED THE P.U.D. AND PLANNING COMMISSION ADDED QUITE A FEW CONDITIONS TO IT. IT NEIGHBORHOOD CONCERNS ABOUT THIS P.U.D. HAVE BEEN COMPOUNDED BY THE FACT OVER THE PAST YEARS ST. DAVID'S HAS COMPLETED ONE ENHANCEMENT TO THEIR PROPERTY. THE NEIGHBORHOOD HAS TRIED TO ACCOMMODATE SOME OF THEIR NEEDS WHILE WORK FOG GOOD SOLID NEIGHBORHOOD PLANNING. ST. DAVID'S IS ASKING FOR THE ABILITY TO DOUBLE THE DENSITY ON THEIR PROPERTY,

ALTHOUGH THERE ARE NO SPECIFIC PLANS FOR EXPANSION IN PLANS PLAIS. ONE OF THE MOST TROUBLING AREA OF THIS WAS AT THE CORNER OF 32nd AND RED RIVER WHERE THEY'RE SEEKING TO TAKE THE 60 FEET TO 90 FEET. DURING OUR NEIGHBORHOOD PLAN PROCESS WHEN THIS BUILDING WAS UNDER CONSTRUCTION AND COMPLETED THEY HAD NOT BROUGHT UP TO US THAT THEY WERE GOING TO NEED ADDITIONAL HEIGHT THERE AND THEY KNEW -- THAT WAS A BIG PUBLIC PROCESS ABOUT RED RIVER AND THE HEIGHTS ON RED RIVER, SO THAT WAS IMPORTANT TO US AND WE'VE BEEN TROUBLED THAT THEY DIDN'T COME FORWARD TO US BEFORE THEN. WE ARE REALLY HOLDING OUT AGAINST THAT 90 FEET THERE BECAUSE IT WAS SO IMPORTANT, BUT NOW REALIZING THE IMPORTANCE TO THEM AND THE COMMUNITY AND SEEING PLANNING COMMISSION'S RECOMMENDATIONS ABOUT THAT, WE STARTED TO THINK WE COULD BE WILLING TO ACCEPT SOME 90 FEET ON THAT CORNER, BUT THE REST OF IT WE REALLY NEED TO HOLD BACK ON, ESPECIALLY SOUTH ALONG RED RIVER, THERE'S A BUILDING THAT THEY WANT TO TAKE UP TO 125 FEET AND HAVE A MAP, IF I MAY,, YOU WILL SEE HERE ON THE MAP THAT THIS BANANA SHAPED BUILDING I'M POINTING TO , ORIGINALLY -- WHAT THEY'RE ASKING IS TO TAKE THE 125-FOOT ZONE TO THIS LINE HERE. PLANNING COMMISSION HAD BACKED THEM UP TO RIGHT HERE. THAT'S VERY IMPORTANT TO US AND WE AGREE WITH PLANNING COMMISSION ON THAT BECAUSE WHAT THAT DOES IS IT PREVENTS HAVING 125-FOOT WALL BUILDING OFF OF RED RIVER. THAT'S SOMETHING WE'VE BEEN FIGHTING TO US. IN OUR MINDS.S THIS IS MORE IMPORTANT THAN THE EMERGENCY CENTER UP HERE. I MISS NOTE THAT THIS DOESN'T CONTAIN ANY CORE EMERGENCY FACILITIES IN THAT PART OF THE BUILDING. PHOTOGRAPHY..... ANYWAY, TO ALLEVIATE SOME OF THESE CONCERNS AND THE NEIGHBORHOOD'S ADDITIONAL MITIGATION ELEMENT SHOULD BE CONDITIONS FOR THIS P.U.D. THIS IS WHAT -- THIS IS A NEIGHBORHOOD SOLUTION OF WHAT WOULD BE REASONABLE FOR HANCOCK NEIGHBORHOOD, LIMITED IMPERVIOUS COVER TO 87%. THE TRAFFIC CIRCULATIONS AND IMPROVEMENTS. [BUZZER SOUNDS]

Mayor Wynn: GO AHEAD AND WALK THROUGH IT.

BASICALLY THE PLANNING COMMISSION RECOMMENDATIONS, BUT WE MUST REALLY STRESS THAT WE BELIEVE IN THESE PERCENTAGE OF HEIGHTS. WE WANT TO HOLD TO THEM THE 30% AT THE 175-FOOT ZONE IS ENOUGH FOR THEIR NEW MEDICAL OFFICE, IF YOU LOOK AT THE MAPS. AND THEN THAT 125-FOOT ZONE THAT I JUST POINTED OUT WAS VERY IMPORTANT TO US. HANCOCK HAS BEEN VERY WEARY OF HEIGHTS, TALL HEIGHTS IN OUR NEIGHBORHOOD. EVEN THOUGH HEIGHT IS ONE OF THE PRIMARY NEIGHBORHOOD CONCERNS, THERE IS MORE TO THIS CASE THAN HEIGHTS. THE USES, P.U.D. ZONING BASED PRIMARY LOY CS ZONING AND INCREASED FAR ARE NOT WITHOUT ADDITIONAL HEIGHT BENEFITS. I REQUEST THAT THE COUNCIL LOOK AT THE MITIGATION ELEMENTS THAT I'VE LISTED EARLIER AND THAT WERE E-MAILED EARLIER AND MAKE A P.U.D. THAT'S A MORE RESPONSIBLE DEVELOPMENT.

Mayor Wynn: THANK YOU, MR. WILEY. QUESTIONS OF BART, COUNCIL?

Cole: YES, MAYOR, I HAVE A QUESTION. I'D LIKE TO KNOW THE NEIGHBORHOOD'S POSITION ON THE TRAFFIC ISSUES.

THE TRAFFIC ISSUES WE'VE BEEN CONCERNED ABOUT. THERE WAS A NUMBER OF STAFF RECOMMENDATIONS THAT WE THINK GO A GOOD TWIE HELP ALLEVIATE SOME OF THAT, AND THOSE ITEMS ARE TWO LEFT TURN LANES TO THE NORTHBOUND OF I-35 IS ONE THING THAT WE IDENTIFIED AS IMPORTANT. THERE'S ADEQUATE OVERPASS WIDTH FOR THAT RIGHT NOW, IT'S A AS I REMEMBER RESTRIPIING. ALSO THE DISCUSSION OF THE NEW MEDICAL IS OFFICE BUILDING HAVING ACCESS FROM THE PARKING GARAGE GO TO 32nd STREET THAT. ST. DAVID'S SAYS THEY WILL SUPPORT. THAT IS EXTREMELY IMPORTANT. THAT LET'S CARS GET ON TO I-35 SO THEY CAN GO SOUTHBOUND WITHOUT HAVING TO CIRCLE THE NEIGHBORHOOD. IN ADDITION WE'RE REQUESTING AN ADDITIONAL LEFT TURN LANE ON 32nd TO GO SOUTHBOUND RED RIF.....RED RIVER, AND WE WOULD LIKE TO SEE A FLASHING LIGHT CROSSWALK AT 38TH AND RED RIVER. THERE ARE A LOT OF STUDENTS AND BICYCLISTS AND PEDESTRIANS THAT CROSS IN THIS AREA AND IT WILL BE QUITE DANGEROUS AND WILL BECOME MORE SO WITH THE INCREASE OF FLASK THE AREA. -- INCREASE

OF TRAFFIC IN THE AREA. WE'VE BEEN SHOWN EARLIER FAR ON THEIR P.U.D. DOCUMENTS OF 2.15 TO ONE ON BUILDOUT. I HEARD THEM MENTION 3.0 TO ONE TONIGHT FAR WHICH PRESENTS A LOT MORE CONCERNS ABOUT TRAFFIC TO ME, AND I WOULD QUESTION WHETHER STAFF'S ANALYSIS OF THE TRAFFIC IMPACT ANAL..... ANALYSIS WAS BASED ON THE LATEST AND GREATEST UPGRADED 3.0 TO ONE FAR OR WHETHER THAT WAS BASED ON THEIR EARLIER FILINGS OF 2.15 TO ONE FAR. THAT'S A SIGNIFICANT DIFFERENCE THERE AND I THINK THAT NEEDS TO BE STUDIED.

Cole: OKAY. IT SOUNDS LIKE TO ME FROM EARLIER DISCUSSIONS WITH THE APPLICANT AND THE NEIGHBORS THAT HAVE YOU MET AND TALKED ABOUT SOME OF THESE ISSUES AND I APPRECIATE THAT.

THANK YOU.

Mayor Wynn: FURTHER QUESTIONS? COUNCILMEMBER LEFFINGWELL.

Leffingwell: I WANT TO MAKE SURE, YOU'RE IN AGREEMENT WITH THE PLANNING RECOMMENDATIONS ON HEIGHT?

YES, WE'RE IN AGREEMENT WITH THE PLANNING RECOMMENDATIONS ON HEIGHT AND THAT IS 30% OF 175-FOOT, NOT THE RECENTLY REQUESTED 50%, AND THAT IS ALSO IN AGREEMENT WITH THE 125-FOOT HEIGHT AT 40% IN THE MIDDLE ZONE, BUT NOT EXTENDING THAT CLOSE TO RED RIVER AS THE APPLICANT HAS PROPOSED HERE AT THE LAST MINUTE.

SO THAT 175 FEET AT 30%, THAT IS IN THE MEDICAL OFFICE BUILDING?

YES, THAT'S WHERE THE MEDICAL OFFICE BUILDING WOULD GO.

Leffingwell: THE SO-CALLED BANANA SHAPED BUILDING?

NO. THE BANANA SHAPED BUILDING I TROAFERD IS CLOSER TO RED RIVER AND THAT IS THE SITE THAT HAS CURRENTLY OFFICES IN IT. BUT THE NEW MEDICAL BUILDING THEY'VE

BEEN PLANNING WOULD BE ON THE SOUTHEAST CORNER OF THE PROPERTY AT 30 ITS AND I-35.

...

Leffingwell: SO THE PLANNING COMMISSION HEIGHT REMGHTS.....RECOMMENDATION ON THAT BUILDING IS WHAT NOW?

THE PLANNING COMMISSION RECOMMENDATION OVER THERE IS FOR 175 FEET -- IT'S A 95-FOOT BASE HEIGHT WITH AN ALLOWABLE 1 SURVIVE FEET..... 175 FEET OF HEIGHT ON 30% OF THAT AREA. AS I UNDERSTAND, THE APPLICANT HAS REQUESTED 50% ALLOWABLE COVERAGE FOR TALLER HEIGHTS TO FIT IN THAT MEDICAL OFFICE BUILDING, BUT WHEN I LOOK AT THE MAP OF THAT, THAT QUARTER SQUARE THERE IN THE CORNER OF THAT EASTERN ZONE WILL EASILY FIT WITHIN 30%.

CAN WE POINT THAT AREA OUT ON A MAP AGAIN? IT'S PRETTY COMPLICATED. THE AREA DESIGNATED AS 175.

YOU'LL SEE IN THE LOWER RIGHT-HAND CORNER THERE WHERE THERE'S OPEN PARKING AND NO BUILDING, WELL, THERE'S THAT SMALL BUILDING THERE, THAT IS THE ZONE WHERE THEY WANT TO BUILD A MEDICAL OFFICE BUILDING. AJAY STOANT IT TO THE LEFT IS AN EXISTING PARKING GARAGE, WHICH THEY'VE TOLD US THAT WOULD STAY. YOU CAN SEE THAT IS EASILY WITHIN 30% OF THAT ZONE.

SO THE AREA OUTLINED IN ORANGE IS THE 175 AREA?

YES, THAT'S CORRECT.

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Leffingwell: OKAY. THE 30%, ONE MORE TIME, IS WHERE? THE 30% AT 175 IS WHERE IN THAT AREA?

AS I UNDERSTAND THAT ORANGE OUTLINE THEY'RE ASKING FOR A 90-FOOT BASE LIGHT HYATT AND THAT WHOLE ENTIRE ORANGE AREA THEY'RE ASKING FOR AN ALLOWANCE THAT

30% THAT HAVE AREA THEY COULD TAKE UP TO 175 FEET.

...

Leffingwell: ANYWHERE WITHIN THAT AREA?

ANYWHERE WITHIN THAT AREA AND IT'S MY UNDERSTANDING THAT THEY PLAN TO USE THAT FOARJ THE MEDICAL BUILDING THAT'S PLANNED.

Leffingwell: NOW GOING DOWN TO THE AREA THAT INCLUDES THE BANANA SHAPED BUILDING, WHICH IS A BUILDING OFFICE BUILDING, IS THAT CORRECT?

YES. THAT BUILDING IS PART SAINT..... ST. DAVID'S. IT HOUSES A VARIETY OF USES. THERE'S A LOT OF OFFICES AND THERE'S ALSO A WORKOUT FACILITY IN THAT BUILDING AND A PARKING GARAGE DOWN BELOW.

Leffingwell: AND YOU'RE IN AGREEMENT WITH THE PLANNING COMMISSION RECOMMENDATION FOR HEIGHT IN THAT ZONE?

WE'RE IN AGREEMENT, BUT THE CLARIFICATION I MUST ADD IS THE PLANNING COMMISSION MOVED THEIR LINE. THAT THE GREEN LINE, I GUESS IT IS, THAT OUTLINES THAT ZONE, THEY TOOK THAT ON THE LEFT-HAND SIDE OF THE PAGE OR TO THE WEST AND THEY MOVED IT OVER TO THE EAST. TO THE COURTYARD SIDE. AND SO IN ESSENCE WHAT THEY DID IS THEY REALIZED THAT THE NEIGHBOR HAD CONCERNS ABOUT HEIGHTS THERE AND THE NEIGHBORHOOD WAS GOING TO GIVE A LOT OF NIGHT THE EAST AND IN GOOD FAITH TO TRY TO ALLOW ST. DAVID'S TO GROW AND THEY REALIZED THAT WOULD HELP PROTECT US IF THEY MOVED THAT LINE AND KEPT THAT WESTERN PORTION THAT HAVE BANANA SHAPED BUILDING A LITTLE BIT LOWER, PROVIDE A STEP DOWN TO THE NEIGHBORHOOD. SO THUS WE WERE VERY HAPPY WITH THAT AND WOULD LIKE TO SUPPORT PLANNING COMMISSION'S RECOMMENDATION THERE.

Leffingwell: OKAY. EXCEPT THE AREA OF THE PARKING GARAGE PARALLEL TO RED RIVER IS MOVED TO THE WESTERNMOST PORTION DESCRIBED BELOW. IS THAT WHAT

WE'RE TALKING ABOUT?

THEY DIDN'T DESCRIBE SCRIBE IT VERY WELL. I WENT OVER IT AFTER THAT MEETING AND HE TOLD ME WHAT CLEAR TO HIM WHAT HE INTENDED TO DO WITH THAT AND THAT'S HOW I UNDERSTOOD THAT HE WANTED TO -- BASICALLY THAT DESCRIPTION THAT THEY GAVE WAS TO MOVE THAT LINE OVER TO THE EAST TO THE COURTYARD SIDE OF THAT BUILDING AND PREVENT TALL HEIGHTS, MORE THAN DOUBLE WHAT'S CURRENTLY THERE ON RED RIVER TO PREVENT THAT.

Leffingwell: OKAY. AND THE THIRD AREA DESIGNATED AS 90 FOR THE FOOTPRINT OF THE ACUTE CARE FACILITY, YOU'RE OKAY WITH THAT, THE BALANCE AT 60 FEET? I'M TRYING TO UNDERSTAND WHAT YOUR RECOMMENDATION ISMENT.

WE'RE RELUCTANTLY OKAY WITH THAT. WE REAL THAT THEY'VE BUILT UP SOME INFRASTRUCTURE THERE AND IT DOESN'T MAKE SENSE TO MOVE THE BUILDING TO SOMEWHERE ELSE AND WE DO NEED TO GROW ON THE FACILITY, SO WE'RE GOING TO CONCEDE ON THAT ISSUE.

OKAY, THANKS.

Mayor Wynn: THANK YOU. THE NEXT SPEAKER IS RONALD HEINRICH. WELCOME. YOU WILL HAVE THREE MINUTES.

GOOD AFTERNOON, COUNCIL. I'M OPPOSED TO THE ST. DAVID'S COLUMBIA CORPORATE HEADQUARTERS IN TENNESSEE. ONE OF MY BIG PROBLEMS I HAVE IS I'M ACTUALLY ON THE COMMISSION WORKING ON THE CONCORDIA PROJECT, AND IT WOULD GIVE THEM THE SPACE TO BUILD WITHOUT HAVING TO DO THAWL DOUBLING OF THE HOSPITAL SPACE. THE DEVELOPER TELLS ME THAT ST. DAVID'S HAS BASICALLY NOT GIVEN HIM THE TIME OF DAY. AND THE -- AND IN ANSWER TO -- THE ANSWER I KEEP GETTING FROM ST. DAVID'S IS THEY CAN'T AFFORD IT, BUT IF YOU ASK WHAT THE COST IS ON THE BUILDOUT -- WELL, I HAVEN'T HEARD A NUMBER. I'M HAVING A HARD TIME BUYING THAT. WHAT I WOULD REALLY LIKE TO SEE THE COUNCIL DO IS THIS BUILDOUT WILL BE 20 TO 25 YEARS. WE DON'T HAVE TO DO THIS TODAY. WE DON'T HAVE TO APPROVE IT IN THIS

REAL IMMEDIATE TIME FRAME, EVEN THOUGH I HEAR THAT A HOSPITAL IS ON A DIFFERENT TIME FRAME THAN OTHER DEVELOPERS TO DO SOMETHING. I WOULD LIKE FOR US TO TAKE A HOLISTIC APPROACH TO ST. DAVID'S P.U.D. AND THE CONCORDIA P.U.D. SO THEY CAN MITIGATE THE IMPACT IT WILL HAVE ON OUR NEIGHBORHOODS. AND I JUST DON'T SEE THAT HAPPENING RIGHT NOW. THEY'RE NOT TALKING TO EACH OTHER. AND I WOULD LIKE TO SEE THAT HAPPEN. THE ONLY WAY I CAN SEE IT HAPPEN IS IF YOU COUNCILMEMBERS TELL THEM WE'RE GOING TO REJECT THIS P.U.D. UNTIL THERE'S SOME DIALOGUE GOING ON. SO ANOTHER THING I'D LIKE TO BRING UP IS IN THE P.U.D. APPLICATION. IF IT WAS PURELY FOR A HOSPITAL, I COULDN'T ARGUE. IT'S FOR THE PUBLIC G BUT WITH THIS P.U.D. THEY DON'T HAVE TO BUILD ANYTHING HOSPITAL RELATED. THEY CAN BUILD SOMETHING MEDICAL RELATED, WHICH WOULD BE OFFICE SPACE AND MAYBE A GIFT STORE OR A CANDY STORE OR SOMETHING LIKE THAT, SO ANOTHER ISSUE I HAVE A PROBLEM WITH IS THAT THERE'S NO SPECIFICS ABOUT WHAT EXACTLY THEY'RE GOING TO BUILD AND WHAT PERCENTAGE OF THAT IS GOING TO BE DEDICATED TO ACTUAL ACUTE CARE. THEY SAID THEY WILL BUILD THAT ACUTE CARE WING, BUT NOWHERE IN THE P.U.D. IS IT -- IT SPECIFICALLY IMPLIES THAT'S WHAT THEY'LL BUILD THERE. THEY'RE JUST SAYING THEY'RE GOING TO BUILD THERE. BECAUSE THEY HAVE A P.U.D., I WOULD ENCOURAGE THE COUNCIL THAT WE CAN ENFORCE THEM, LIKE YOU ASKED ABOUT THAT WALL. IF THEY DO BUILD THAT WALL, THAT WILL MAKE IS T. SO MUCH LIKE A BARRIER, WE CAN PUT IN THE P.U.D. AND SAY HEY, LET'S SOFTEN THAT UP AND ACTUALLY HAVE IT THERE INSTEAD OF SAYING, OH, YEAH, WE'LL DO THAT BECAUSE WE KNOW THAT. THAT'S ALL WE HAVE FROM THE DEVELOPER, WE MAY OR MAY NOT NET GET WHAT WE WANT.

Dunkerley: I INTENDED TO PUT IT IN THE P.U.D.

GOOD FOR YOU. THANK YOU. IS. [BUZZER SOUNDS]
PERFECT. I WAS ABOUT DONE.

Mayor Wynn: THANK YOU. COUNCILMEMBER COLE.

Cole: SINCE YOU INDICATED THAT YOU'VE BEEN IN

DISCUSSIONS WITH CONCORDIA, DO YOU HAVE ANY INFORMATION ABOUT THEIR TIMETABLE FOR ACTING ON THAT DEVELOPMENT?

WELL, WE HAVE A -- THEY'RE UP AGAINST THE PLANNING COMMISSION TUESDAY, THE 12TH.

YEAH.

SO WE'RE GOING AGAINST THE PLANNING COMMISSION ON TUESDAY. WE THE NEIGHBORHOOD, WE'VE REJECTED THE P.U.D. APPLICATION, BUT WE'VE BEEN TALKING TO THEM ABOUT COMING TO SOME SORT OF AGREEMENT ABOUT WHAT WE CAN AGREE ON AND WE'RE NOT THERE YET.

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Cole: LET ME ALSO ASK YOU ABOUT YOUR CONCERNS FOR TRAFFIC.

TRAFFIC IS THE NUMBER ONE CONCERN AND THAT'S ONE OF THE BIG CONCERNS WE HAVE IN THE NEIGHBORHOOD IS ST. DAVID'S DID THEIR TRAFFIC STUDY WITH JUST ST. DAVID'S. THEY DIDN'T TAKE INTO CONSIDERATION WHAT HAPPENED TO CONCORDIA PROJECT, AND CONCORDIA DID THE SAME, NECESSITY DID THEIR TRAFFIC ANALYSIS BASED ON WHAT THEY'RE BUILDING AND THEY DID NOT TAKE INTO CONSIDERATION THAT ST. DAVID'S IF YOU GUYS APPROVE IT WILL DOUBLE THEIR SIZE. SO THAT'S A BIG, BIG CONCERN. THAT IS REALLY THE NUMBER ONE CONCERN. IF YOU TALK TO ANYBODY IN THE NEIGHBORHOOD, THAT'S THE NUMBER ONE CONCERN IS THE TRAFFIC AND SECONDLY THE HEIGHT. IN MY OPINION. YOU MIGHT WANT TO ASK BART, BUT THAT'S BEEN MY DIALOGUE WITH PEOPLE IN THE NEIGHBORHOOD.

Cole: I'VE HEARD A LITTLE ABOUT THAT TOO.

Mayor Wynn: THANK YOU. SO COUNCIL, THAT TAKES US BACK TO OUR APPLICANT WHO WILL HAVE A THREE MINUTE REBUTTAL. WELCOME BACK, MR. GILLETT.

MAYOR, COUNCILMEMBERS, LET ME SEE IF I CAN ADDRESS THE POINTS THAT WERE BROUGHT UP BY EACH OF THE

SPEAKERS. THE SECOND SPEAKER IF I UNDERSTAND CORRECTLY WAS ON THE BOARD OF CONCORDIA AND HE MADE A STATEMENT THAT ST. DAVID'S IS NASHVILLE-BASED. ST. DAVID'S IS AN AUSTIN-GROWN INSTITUTION. IT STARTED MANY, MANY YEAR AGO AT THAT LOCATION AND HAS EXPANDED MANY TIMES AT THAT LOCATION AND NOW COMPRISES MULTIHOSPITALS IN THIS AREA. HE ALSO SPOKE ABOUT CONCORDIA AND THEIR TIA. AT THE TIME WE FILED OUR P.U.D. APPLICATION, THE PLANS RELATING TO CONCORDIA WERE NOT EVEN ON THE DRAWING BORES AT THAT POINT. THERE WAS NOTHING EVEN ENTERED INTO THAT WE WERE AWARE OF OF A POTENTIAL SALE OF CONCORDIA AND A POTENTIAL MOVE. SO WE MADE OUR TIA APPLICATION BASE ON WHAT WE KNEW TO BE THE CASE. OUR TIA CALLED FOR THAT PRO RATA SHARE OF THE ROAD IMPROVEMENT AT THE STREET LIGHT AT 30TH STREET. WE AGREED TO MEET THOSE. WE OFFERED UP TONIGHT A POSSIBLE ADDITIONAL OTHER TRAFFIC IMPACTS THAT I'M HAPPY TO ADDRESS IF YOU WANT ME TO GO INTO THAT, THE MIDDLE TURNING LANE THAT WE WOULD PAY OUR PRO... PRO RATA PORTION ON ALONG 32nd STREET. PUTTING THE TWO P.U.D.'S TOGETHER DOESN'T MAKE SENSE. THEIRS IS -- I KNOW THERE'S GOOD INTENTIONS ABOUT WHAT CONCORDIA IS DOING, BUT WE HAVE A REAL HOSPITAL, A REAL EXISTING HOSPITAL, BEEN IN EXISTENCE FOR A NUMBER OF YEARS. THE REASON FOR THE P.U.D. IS SO WE CAN HAVE FLEXIBLE BLUEPRINT FOR THE FUTURE TO MEET THE MEDICAL NEEDS OF THIS COMMUNITY. ST. DAVID'S IS DIFFERENT. THIS IS A MEDICAL FACILITY AND THERE ARE MEDICAL NEED AT HAND. IN FRONT OF YOU IN THE PACKET WE GAVE YOU SHOWED THE AMOUNT OF UNREIMBURSED CHARITABLE GIVING THAT THIS HOSPITAL AND ITS AFFILIATES GIVE THROUGHOUT THIS REGION. A LARGE NUMBER, OVER \$180 MILLION I THINK IS THE NUMBER THROUGHOUT THE REGION, AND THIS HOSPITAL ALONE 40 MILLION DOLLARS' WORTH OF UNREIMBURSED MEDICAL CARE. ST. DAVID'S IS THE PRIMARY RELIEVER FOR BRACKENRIDGE HOSPITAL AND WE ALL KNOW THAT THERE'S INCREASING MEDICAL NEEDS. WE HAVE NO CHOICE BUT WE HAVE TO EXPAND THIS FACILITY AND WE HAVE TO EXPAND IT WISELY OVER TIME. AND WE HAVE TO GO VERTICAL. WHEN YOU DELIVER HEALTH NEEDS, IT IS -- IT DOESN'T MAKE

SENSE TO DO IT HORIZONTALLY. TIME IS LIVES. WHEN YOU GO VERTICAL, IT'S MUCH EASIER TO INTERACT IN THE FACILITY. IF I HEARD MR. WHATLEY CORRECTLY, HE IS NO LONGER CONCERNED ABOUT THE ACUTE CARE AREA AND HE'S SUPPORTING THAT. ONE THING THAT DOES CONCERN ME ABOUT WHAT MR. WHATLEY SAID, AND I'LL BE HAPPY TO SPEAK WITH HIM AFTER THIS, NOTHING HAS CHANGED IN WHAT WE'VE PROPOSED. OUR PLANS HAVE BEEN FAIRLY MUCH THE SAME FROM THE VERY BEGINNING. [BUZZER SOUNDS] YES, THERE'S BEEN CERTAIN TWEAKING OF THAT. IF I MAY CONTINUE, MAYOR?

Mayor Wynn: COUNCIL, WITHOUT OBJECTION OR IF HAVE YOU A QUESTION OF THE APPLICANT? PLEASE BE CONCISE, MR. GILLETT.

THE 125-FOOT AREA WAS ORIGINALLY ALL THE WAY TO RED....RED RIVER. WE LISTENED TO THE NEIGHBORHOOD'S NEEDS AND WE SET THAT FWOOK THE FOOTPRINT -- BACK TO THE FOOTPRINT OF PLAZA ST. DAVID'S. THAT IS A MIXED USE FACILITY. THERE ARE MULTIPLE THINGS IN THAT AREA. THIS IS AN EVER-EVOLVING SITUATION. IF I UNDERSTAND CORRECTLY, THE CAFETERIA AREA OF THE HOSPITAL HAS BEEN MODIFIED TO BECOME A GAMMA KNIFE FACILITY, SO THINGS CHANGE INSIDE THAT DYNAMIC AREA. WE NEED THAT 125-FOOT AREA. THE PLANNING COMMISSION WAS NOT VERY CLEAR ABOUT IT, IN MY OPINION. AS WE READ THE PLANNING COMMISSION RECOMMENDATIONS AND I WAS THERE THE NIGHT, OBVIOUSLY I MADE THE PRESENTATION, IT WAS UNCERTAIN TO US EXACTLY WHAT THEY WERE SAYING IN THAT AREA. WE THOUGHT THEY WERE SAYING THAT AREA IS A 90-FOOT AREA WITH 40% OF IT ALLOWED TO BE GOING TO 125. WE NEED THAT TO MEET THE MEDICAL NEEDS OF THE COMMUNITY. AND WE THINK THERE'S SUFFICIENT BUFFERING ALONG RED RIVER THAT BUFFS THAT. IT'S BEAUTIFULLY LANDSCAPED. I HAVE PHOTOS I'M HAPPY TO SHARE WITH YOU IN THAT AREA TO SHOW YOU THAT POINT. I THINK THAT'S BASICALLY IT, MAYOR.

Cole: MAYOR, I HAVE A QUESTION.

Mayor Wynn: COUNCILMEMBER COLE.

Cole: I WANT TO ASK YOU ABOUT YOUR AGREEMENT WITH SOME OF THESE TRAFFIC MODIFICATIONS.

YES.

Cole: DO YOU SUPPORT THE TRAFFIC STOP SIGN OR SIGNAL AT 30TH STREET? IS THAT FINE WITH YOU?

WE SUPPORT THAT. IN FACT, THE HOSPITAL HAS BEEN TRYING TO GET THAT PUT IN FOR A NUMBER OF YEARS AND WE WILL PAY OUR PRO RATA PORTION WHEN THAT IS REQUIRED TO GO IN AND WE'RE AS PART OF THE STAFF RECOMMENDATION, THE PLANNING COMMISSION RECOMMENDATION, WE WILL POST OUR FISCAL OF OUR PORTION OF THAT LIGHT.

Cole: AND LET'S TALK ABOUT THE LEFT TURN MODIFICATIONS TO BASICALLY MAKE 32nd MORE ACCESSIBLE WITH THE UNDERSTANDING THAT CONCORDIA MAY WELL GO IN AND INCREASE THE TRAFFIC. DO YOU AGREE WITH THE LEFT TURN SIGNAL AND AGREE WITH THE NEIGHBORS?

THE LEFT TURN SIGNAL FROM 32nd STREET LEFT ON RED RIVER, WE SUPPORT THAT. THERE IS SUFFICIENT ROOM THERE. THERE ARE SOME TRAFFIC CONCERNS BECAUSE THE ROAD DOESN'T LINE UP EXACTLY VERY SIMILAR TO RIGHT OUT HERE WHEN YOU'RE GOING ACROSS THE BRIDGE TO THE SOUTH THERE'S QUITE A BIG JOB. AND WHEN YOU'RE MAKING THAT TURN ACROSS TRAFFIC I UNDERSTAND THERE ARE SOME CONCERNS. BUT FOR PLANNING IN THE FUTURE IT MIGHT BE WISE TO WIDEN ACROSS 32nd STREET ACROSS RED RIVER. BUT WE SUPPORT A LEFT TURN LIGHT THERE OR LEFT TURN LANE IN THERE. THERE'S SUFFICIENT ROOM FOR IT AND WE WOULD AT THE APPROPRIATE TIME PAY OUR PRO RATA SHARE OF THAT IMPROVEMENT. THAT WAS NOT ADDRESSED OR REQUIRED IN THE TIA. THAT'S SOMETHING ADDITIONAL.

WHAT ABOUT THE CENTER LEFT TURN LANE ALONG 32nd STREET AND RED RIVER AND I-35?

THAT IS SOMETHING THAT WE'VE BEEN LOOKING AT FOR A NUMBER BE OF YEARS. IN FACT, ST. DAVID'S ENGINEER HAS

DONE SOME PLANS TO DESIGN A MIDDLE LEFT TURN LANE THAT WILL ALLOW TRAFFIC NOT TO GET BACKED THRU AS PEOPLE TURN INTO THE HOSPITAL TO BE ABLE TO CUE APPROPRIATELY INTO THE HOSPITAL. THROOS SUFFICIENT RIGHT-OF-WAY FOR THAT. IT WILL CAUSE THE STREET TO BE WIDENED AND CAUSE THE SIDEWALKS TO BE SET BACK, WHICH WE WOULD ACCOMMODATE ON OUR PROPERTY ON 32nd STREET, BUT WE SUPPORT THAT AND WOULD PAY OUR PRO.... PRO RATA SHARE ON THOSE IMPROVEMENT WHZ THEY ARE CONSTRUCTED.

Cole: THE LAST THING THAT I THINK WAS SORT OF A TRAFFIC CONCERN WAS THIS DUAL LANE APPROACH INVOLVING RESTRIPIING 32nd STREET.

IF YOU'RE GOING FROM THE HOSPITAL TO GET ON I-35 I-35 TO GO NORTH AND YOU CROSS THE BRIDGE ON THEY COULD STREET AT THE FRONTAGE ROAD TO GO NORTH, CURRENTLY THERE'S ONE LANE THAT YOU CAN QUOOO INTO AND GO LEFT. THERE IS SUFFICIENT ROOM. THERE'S AREA THAT'S STRIPED OFF THERE. WITH THE RESTRIPIING OF 32nd STREET AND THE INCREASE WITHED IMPROVEMENTS THAT WE'RE TALKING ABOUT IN THE MIDDLE, THERE'S SUFFICIENT ROOM TO ADD TWO TURNING LANES GOING NORTH, WHICH WE THINK WOULD SUBSTANTIALLY IMPACT AND ASSIST TRAFFIC GOING NORTH OUT OF THE SITE. AGAIN, WHEN THAT IS ACCOMPLISHED WE WOULD PAY OUR PRO.... PRO RATA SHARE OF THOSE IMPROVEMENTS. NONE OF THOSE WERE ADDRESSED IN THE TIA AND WE'RE CERTAINLY WILLING TO DO THOSE.

Cole: OKAY. I APPRECIATE IT. APPRECIATE YOU TALKING TO THE NEIGHBORS.

Mayor Wynn: FURTHER QUESTIONS? COUNCILMEMBER MARTINEZ?

Martinez: HI A COUPLE OF QUESTIONS. ONE FOR STAFF. I'M NOT SURE IF THEY CAN ANSWER IT. IT WAS MENTION THAT HAD THERE WERE A COUPLE OF DIFFERENT FAR'S. THE NEIGHBORHOOD HAD MENTIONED A LOWER FAR THAN WHAT THE DEVELOPER IS REQUESTING OR THE APPLICANT IS

REQUESTING. WHAT FAR DID WE USE TO CONDUCT THE TIA?

I BELIEVE THE FAR THAT THE TIA USED WAS IN THE APPLICATION, WHICH WAS LESS THAN THREE TO ONE. AND CAN TACH OR SOMEONE TELL ME WOULD THAT HAVE A SIGNIFICANT DIFFERENCE IN THE TIA AND THE DIRECTION THAT WE'RE HEADING?

Mayor Wynn: WELCOME, MR. ZAPALAC.

THE TIA WAS BASED ON THE ASSUMED SQUARE FOOTAGE OF WUBL .2 MILLION TOTAL AND SO IF THAT NUMBER WAS INCREASED THERE WOULD BE AN EFFECT ON THE TRAFFIC. THERE IS A STANDARD RECOMMENDATION IN OUR TIA MEMO. WE ALWAYS INCLUDE IN OUR TIA THAT THE DEVELOPMENT OF THE PROPERTY BE LIMITED TO THE ASSUMPTIONS THAT WERE IN THE TIA, SO UNLESS A REVISED TIA IS SUBMITTED THAT WOULD BE LIMITED TO THE AMOUNT THAT WAS STUDIED IN THE TIA.

THAT WOULDN'T BE A REQUIREMENT, IT WOULD BE A RECOMMENDATION, RIGHT?

IF COUNCIL ADOPTS THE TIA MEMO, THAT IS PART OF OUR RECOMMENDATION.

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Martinez: MR. ZAPALAC, I DON'T KNOW IF THIS IS AN AREA THAT YOU CAN LOOK INTO, BUT THE PARKING GARAGE RIGHT NOW PRIMARILY THE ENTRANCE AND EXIT IS ON 30 ITS STREET. AND WHAT THAT REQUIRES IS IF YOU'RE TAKING THE STRAIGHT SOUTH, IT REQUIRES YOU TO GO WEST ON 30TH, NORTH ON RED RIF, EAST ON 32nd ALL THE WAY AROUND THE HOSPITAL JUST TO GET ON I-35 SOUTHBOUND F YOU DRIVE EAST ON 30TH STREET, THE ENTRANCE RAMP TO I-35 IS LITERALLY 15 FEET FROM THAT HAVE INTERSECTION, BUT YOU HAVE TO GO AGAINST ONE-WAY TRAFFIC. HOW DO WE FIND OUT IF TXDOT WILL ALLOW ST. DAVID'S TO REPOSITION THEIR ENTRANCE AND EXIT TO THAT GARAGE TO WHERE IT CAN BE ON THE GROJ ROAD WHERE YOU CAN ENTER AND EXIT ON THE DPROJ ROAD AND SPILL

OUT RIGHT ON TO SOUTHBOUND 35?

WE CAN LOOK INTO THAT PRIOR TO SECOND AND THIRD READING. TXDOT IS STUDYING RECONFIGURATION OF I-35 WIDENING OF THE WHOLE FACILITY THERE, SO WE CAN FIND OUT WHAT THEY HAVE BEEN LOOKING AT IN THAT REGARD PRIOR TO SECOND AND THIRD READING.

Martinez: THAT WOULD BE GREAT. I THINK IT COULD HAVE A POSITIVE I.. IMPACT ON THE NEIGHBORHOOD IF WE COULD ENTER AND EXIT THAT HUGE PARKING STRUCTURE OFF THE ACCESS ROAD, AND I WOULD APPRECIATE ANYTHING YOU CAN DO TO MOOK INTO THAT. AND I BELIEVE THAT THE APPLICANT WOULD BE OKAY WITH THAT IF THAT'S SOMETHING THAT WE CAN DETERMINE FROM TXDOT WHETHER OR NOT THAT IS A CHANGE THAT YOU GUYS WOULD AGREE TO, BUT IT IS SOMETHING THAT I WOULD HOPE THAT YOU WOULD BE INTERESTED IN TRYING TO FIND OUT IF YOU COULD RECONFIGURE YOUR PARKING GARAGE TO MINIMIZE THE IMPACT.

YOU'RE SPEAKING OF THE PARKING GARAGE ON THE NEW BUILDING THAT'S BEING CONSTRUCTED? THAT WAS OUR INITIAL DESIGN TO DO EXACTLY THAT. THE PROBLEM WITH THAT IS IT DOESN'T MEET THE MINIMUM SPACING REQUIREMENTS TO THE 30TH INTERSECTION. WE LOOKED STRONGLY AT THAT, MET WITH TXDOT ON THAT POINT, DID NOT GO TO THE FULL EXTENT OF MAKING A FORMAL APPLICATION, BUT WE'RE TOLD THAT THEY WOULDN'T SUPPORT IT AND THAT IT JUST DID NOT MEET THEIR CRITERIA? IT'S CURRENTLY BEING DESIGNED WITHOUT THAT PART THERE. THERE'S ALSO LONG-TERM PLANS TO WIDEN I-35 IN THAT AREA, TAKING ADDITIONAL RIGHT-OF-WAY TO THE WEST ON OUR PROPERTY SO WE HAD TO DESIGN AROUND THAT ISSUE ALSO. SO I DON'T KNOW IF THAT'S GOING TO LEAD ANYWHERE. IF I MAY RESPOND TO YOUR QUESTION TO STAFF, THE TIA AND IMPROVEMENTS I JUST SPOKE WITH COUNCILMEMBER COLE ABOUT, THOSE ARE ALL THINGS THAT WE'RE WILLING TO DO THAT ARE OVER AND ABOVE WHAT THE RECOMMENDATIONS OF OUR TIA. YES, THE SQUARE FOOTAGE HAS INCREASED ON THE SITE AND THE TRAFFIC, BUT ALL THESE THINGS ARE THINGS OUR TRAFFIC CONSULTANT LOOKED AT AT THAT POINT AND HAS SAID

THESE ARE THINGS THAT WILL HELP THAT TRAFFIC CONCERN, AND I'VE STATED TONIGHT THAT WE'RE WILLING TO PAY OUR PRO RATA SHARE OF ANY OF THOSE IMPROVEMENTS IF THEY'RE DEEMED FEASIBLE AND WORKABLE BY ALL INVOLVED. ALSO, AT SITE PLAN YOU CAN REQUIRE AN UPDATED TIA. SO IT'S NOT JUST ONE BITE OF THE APPLE, THERE'S ALWAYS THE SITE PLAN PHASE TO LOOK AT THE IMPACT ON TRAFFIC OF THE P.U.D.

Leffingwell: MAYOR?

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: I'M NOT SURE I REALLY UNDERSTOOD THE ANSWER TO COUNCILMEMBER MARTINEZ'S QUESTION ABOUT THE ASSUMPTIONS THAT YOUR ANALYSIS WAS BASED ON. HIS QUESTION WAS IN TERM OF FAR, YOUR ANSWER WAS IN TERMS OF SQUARE FEET. SO WHAT IS THE ANALYSIS BASED ON? IS THAT SQUARE FOOTAGE WHAT THE APPLICANT IS REQUESTING? IS THAT THE NUMBER WE'RE DEALING WITH OR IS THAT SOME OTHER NUMBER?

COUNCILMEMBER, I DON'T HAVE THE EXACT NUMBER, BUT I BELIEVE IT'S LOWER THAN THE 3.0 FAR THAT THE APPLICANT IS CURRENTLY REQUESTING.

Leffingwell: OKAY. SO THE 3.0 FAR IS THAT BASED ON WHAT YOU'RE ASKING THE MODIFICATIONS TO THE PLANNING COMMISSION RECOMMENDATION? DOES THAT COME TO 3.1 FAR?

THOSE ARE CLOSE TO THE THE PARAMETERS OF THE 3.1, YES.

Leffingwell: I'M TRYING TO PIN DOWN HAVE WE DONE A TRAFFIC A NATIONAL SI BASED ON WHAT ASSUMPTION, WHAT ARE THESE ASSUMPTIONS BASED ON? THE PLANNING COMMISSION OR YOUR REQUEST OR THE NEIGHBORHOOD'S RECOMMENDATION?

THOSE WERE BASED ON THE INITIAL APPLICATION THAT WAS FILED BY THE P.U.D. WHEN WE FILED IT OVER A YEAR AGO.

Leffingwell: SO HOW DOES THAT COMPARE WITH WHAT YOU'RE ASKING FOR NOW?

IT'S NOT AS -- THE ANALYSIS WAS NOT FOR THE TOTAL AMOUNT OF SQUARE FOOTAGE THAT COULD BE BUILT OVER THIS P.U.D. WE HAVE TO REMEMBER, COUNCILMEMBER, THAT THIS IS A P.U.D. THAT'S GOING TO COVER MANY, MANY YEARS, AND EVEN BUILDING GOING TO 1.2 MILLION SQUARE FEET, THEY'RE BUILT UNDER RIGHT NOW BETWEEN 7 TO 800,000 FEET. IT'S GOING TO BE QUITE SOMETIME BEFORE WE GET TO THE 1.2 MILLION THAT'S IN THE ASSUMPTIONS OF THAT TIA THAT WAS FILED.

SO THAT 1.2 MILLION IS 20, 30 YEARS OUT? IS THAT WHAT YOU'RE SAYING?

I'M SAYING THE FULL EXTENT OF WHAT THE P.U.D. ALLOWS US TO DO IS -- ALL THIS IS NOT GOING TO BE CONSTRUCTED TOMORROW. WE DON'T HAVE IMMEDIATE PLANS TO GO BUILD ALL THIS SQUARE FOOTAGE TOMORROW. IT'S GOING TO BE BUILT OVER TIME. AND THE REASON FOR THE P.U.D., AND I THINK YOU ASKED ME THIS WHEN WE MET, WAS WHY DO YOU NEED THE P.U.D.? I SAID WE NEED THAT FLEXIBLE BLUEPRINT THAT WE KNOW WHERE WE CAN SFOND MEDICAL NEEDS, WHERE WE CAN BUILD THE FACILITIES WE NEED. AND IT WILL BE BUILT OUT OVER A TREMENDOUS AMOUNT OF TIME, NOT TWO YEARS FROM NOW.

Leffingwell: OKAY. I HAVE ANOTHER QUESTION, AND MAYBE THIS IS FOR STAFF, PL MR. GUERNSEY. IT HAS TO DO WITH COMPATIBILITY. THE STAFF DID NOT RECOMMEND THE P.U.D. IN PART BASED ON COMPATIBILITY?

THE APPLICANT'S AMENDED THEIR REQUEST. THERE'S A SMALL RESIDENCE THAT'S NEARBY AND THEY INDICATED THAT THEY WOULD COMPLY WITH COMPATIBILITY. I GUESS THEY'RE NEGOTIATING WITH THAT PROPERTY AND BELIEVE THAT THAT RESIDENCE WILL GO AWAY AND THAT THEIR BUILDINGS WILL BE COMPLIANT WITH COMPATIBILITY STANDARDS. SO THAT IS A MORE RECENT EVENT SINCE THE APPLICATION HAS BEEN FILED.

Leffingwell: SO WERE THERE ANY OTHER REASONS? YOUR

GENERAL STATEMENT WAS THAT IT DID NOT PROVIDE FOR BETTER DEVELOPMENT THAN THAT THAT COULD BE ACHIEVE UNDER ZONING REGULATIONS, SO YOU'RE RECOMMENDING AGAINST THE P.U.D. DO ANY OF THOSE REASONS STILL EXIST?

THEY DO. LET ME POINT OUT THAT HOSPITALS ARE CERTAINLY A NECESSARY PART OF OUR COMMUNITY. THEY SURVEYED THE FIRST FORT FOR DEFENSE FOR PANDEMIC EPIDEMICS. THEY ARE INTEGRAL TO OUR NEIGHBORHOOD, BUT WHEN WE'RE LOOKING AT THE PLANNED UNIT DEVELOPMENT DISTRICT REGULATIONS, THEY SEEK TO BE SUPERIOR DEVELOPMENT TO THAT THAT COULD OCCUR UNDER CONVENTIONAL ZONING AND SUBDIVISION REGULATIONS. SO THE PUBLIC GOOD THEY PROVIDE, THE BENEFITS THEY PROVIDE FOR CARE FOR THOSE WHO ARE INDIGENT, THOSE ARE CERTAINLY OVER WHELMING REASONS -- OVERWHELMING REASONS TO SUPPORT A HOSPITAL IN GENERAL. WE DID OFFER IN DISCUSSIONS AND ACTUALLY SOME OF THOSE ACTUALLY RESULT UNDERSTAND SOME OF THE CHANGES THAT YOU HAVE SEEN. WE DISCUSSED MEETING POSSIBLE DESIGN STANDARDS, MEETING DOWNTOWN DESIGN STANDARDS FOR SCREENING OF THE BUILDING. WE TALKED ABOUT GREAT STREETS. THIS IS SOMETHING THAT THE OWNER HAS DISCUSSED AND PLANNING COMMISSION RECOMMENDED SOME ASPECT OF GREAT STREETS, BUT NOT MAYBE TWO MEETING GREAT TREATS LEVELS. WE TALKED ABOUT DOING GREEN BUILDER OR A LEAD PROGRAM. THEY I THINK AGREED TO A ONE STAR. WE ASKED THAT THEY POSSIBLY LOOK AT DOING TWO STARS OR MORE AND I THINK THERE ARE SOME ENGINEERING COSTS AND DESIGN COSTS BEFORE THEY COULD ANSWER THAT QUESTION. WE SPOKE TO OVER THING THAT THEY MIGHT BE ABLE TO DO ABOUT HAVING LIKE A RAINWATER CONTAINMENT STRUCTURES OR REDUCING THE AMOUNT OF IMPERVIOUS COVER. THEY ARE ALREADY AT SOMETHING BELOW 90% AND THEY HAVE INCREASED AMOUNT OF IMPERVIOUS COVER. IT IS TRUE THAT THEY ARE LESS THAN WHAT THEY ALLOW. WE TALKED TO THEM ABOUT POSSIBLY CUT PUTTING ADDITIONAL WATER FACILITIES ON THE PROPERTY, BUT THEY HAVE VERY LIMITED SPACE AND COULD NOT GET TO THAT POINT

OR LEVEL OF DISCUSSION BECAUSE THEY DON'T BELIEVE THAT THEY HAVE A BUILDING ACTUALLY DESIGNED TO GO ON THE SITE. SO AT THIS TIME STAFF COULD NOT MAKE A RECOMMENDATION THAT COULD SAY THAT IT IS SUPERIOR AND I THINK THE DESIGN DISCUSSIONS WOULD REQUIRE MORE LABOR AND EXPENSE POSSIBLY THAN ST. DAVID'S TO GET TO A POINT WHERE STAFF COULD MAKE A RECOMMENDATION THAT IS SUPPORTIVE OF THEIR REQUEST AS A PLANNED UNIT DEVELOPMENT. BUT CERTAINLY AS A PUBLIC FACILITY THAT SERVES OUR COMMUNITY HOSPITALS IN GENERAL, OVERWHELMINGLY FULFILL THAT NEED.

Leffingwell: SO SOME OF THE CONSIDERATIONS YOU JUST TOLD US ABOUT IS IN THE PLANNING COMMISSION RECOMMENDATION?

THEY ARE, AND THEY'RE NOT TO THE LEVEL THAT, FOR INSTANCE, GREAT STREETS. THEY WOULD GREAT TO DO SOMETHING WITH LANDSCAPING AND I THINK IF THIS MOVES FORWARD WITH APPROVAL THEY WILL PROVIDE LANDSCAPE DRAWINGS THAT WILL SHOW WHERE THE SIDEWALKS HAVE BEEN MODIFIED OR WHERE TREES HAVE BEEN PLACED, BUT THEY WOULD NOT MEET THE LEVEL ON ALL STREETS AND MAY NOT BE ON ALL FROJZ.

Leffingwell: THERE ARE NO COMPATIBILITY ISSUES WITH REGARD TO P.U.D.?

NOT THAT I'M AWARE. AS THEY HAVE STATED THIS EVENING THAT THE CAPABILITY WAIVERS THAT THEY WERE ORIGINALLY SEEK WHG STAFF REVIEWED THIS HAVE BEEN WITHDRAWN. HE.

THAT'S CORRECT. THERE WAS ONE HOUSE THAT TRIGGER EXAT..... COMPATIBILITY. WE'VE MET WITH THAT OWNER AND WE'VE TOLD THAT OWNER THAT WE WILL MEET ALL THE REQUIREMENTS OF COMPATIBILITY FOR THAT STRUCTURE AT THE TIME OF CONSTRUCTION THERE.

COUNCIL, IF I MAY, THERE WAS AN INDICATION THERE MIGHT BE GREAT FAR ON THE PROPERTY FLS AN INCREASE IN THE -
- IF THERE IS AN INCREASE IN THE SQUARE FOOTAGE

AMOUNT. THE APPLICANT COULD CERTAINLY TURN IN AN UPDATE ON THE TIA PRIOR TO COMING BACK FOR SECOND AND THIRD READING AN WATERSHED DEVELOPMENT AND REVIEW COULD LOOK AT THE REVISED QUAIRJ AND GIVE YOU -- SQUARE FOOTAGE AND GIVE YOU CHANGES TO THE STAFF RECOMMENDATION REGARDING THE TRAFFIC IMPACT ANALYSIS YOU HAVE BEFORE YOU. IF THERE IS A CHANGE IN SQUARE FOOTAGE WE COULD WORK WITH THE APPLICANT AND HAVE THEM COME BACK TO YOU AND PRESENT THAT INFORMATION TO YOU AT A LATER DATE.

Mayor Wynn: COUNCILMEMBER MCCRACKEN.

McCracken: THIS IS FOR STAFF. I THINK YOU'VE DONE A GREAT JOB IN ANALYZING I THINK WHAT THE EXPECTATIONS SHOULD BE FOR THIS DEVELOPMENT IN TERM OF A DOWNTOWN CALIBER OF DESIGN, AND SO I THINK Y'ALL WOULD REALLY -- I APPRECIATE THE ADVICE YOU'VE GIVEN US AND I THINK IT'S SPOT ONMENT I THINK IT'S REALLY GOOD. THE QUESTION I HAD IS WHAT WOULD BE THE TOTAL SCWAIRNL TOTAL SQUARE FOOTAGE AVAILABLE UNDER THE PROPOSAL FROM THE APPLICANT? WHOOLD.....WHOOLD BE THE TOTAL SQUARE FOOTAGE AT BUILDOUT?

I BELIEVE IT'S 1,000,600 SFEET SCWOOET.

McCracken: AND REMIND ME WHAT THE UP TO DATE TOTAL NUMBER OF DAILY AND ADJUSTED CAR TRIPS IN THE TRAFFIC IMPACT ANALYSIS FOR THIS?

THE ADJUSTED TRIP RATE WOULD BE 6,000 -- UNADJUSTED IS 6,766 TRIPS. AVERAGE DAILY TRIPS. AND THAT'S BASED ON THE 455,220 SQUARE FOOT EXPANSION TO THE EXISTING.

McCracken: SO THAT'S WHAT WE -- WE'RE ESTIMATING 6,000 CAR TRIPS A DAY PLUS OR MINUS?

6,766 ON..... 6,766 UNADJUSTED TRIPS. AND THAT NUMBER WOULD GO UP AS THE FAR WENT UP IF THERE'S A CHANGE THAT IS PROPOSED BY THE APPLICANT TO INCREASE THE SQUARE FOOTAGE FROM WHAT THEY SUBMITTED.

McCracken: SO IN OTHER WORDS, THAT IS THE 6,766 6,766

CAR TRIPS IS WHAT IS PROPOSED, ESTIMATED UNADJUSTED, AT WHAT SQUARE FOOTAGE?

THAT'S WITH THE ADDITIONAL 455,220 SQUARE FEET FOR THE HOSPITAL EXPANSION.

McCracken: SO HOW DOES THAT DIFFER FROM WHAT WE'RE HEARING TONIGHT?

THAT WOULD BE FOR THE TOTAL OF ABOUT 1.2 MILLION, SO IF THERE'S GOING TO BE ABOUT 1.6 MILLION, WE WOULD HAVE TO GO BACK AND REEVALUATE THE TIA.

McCracken: LOOKING AT THIS, THERE'S WHAT'S CALLED THE BANANA SHAPED BUILDING. THAT'S ON THE SOUTHERN RED RIVER PORTION. WHAT IS THE USE OF THAT BUILDING RIGHT NOW?

IF THAT'S FOR ME IT'S GOT SOME PATIENT ROOMS IN IT, IT'S GOT A REHAB PORTION IN IT. IT'S A VARIETY OF MEDICAL AND MEDICAL OFFICE USE.

McCracken: IT'S PART HOSPITAL AND PART OFFICE USE?

YES, SIR.

McCracken: IS THAT UNDER THE PROPOSAL -- THAT BUILDING IS CURRENTLY HOW TALL?

HOW TALL? I BELIEVE IT'S 60 FEET TALL CURRENTLY.

EXCUSE ME. JOHN JOSEPH, SENIOR, REPRESENTING ST. DAVID'S. ARE YOU TALKING ABOUT THE 32nd AND RED RIF BUILDING?

McCracken: NO, THE 32nd AND I THINK KEITH OR SOMETHING LIKE THAT.

EAST SIDE OF 32nd?

McCracken: IT IS THE RED RIVER AND I GUESS -- IT LOOKS LIKE EAST 30TH.

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I WANTED TO MAKE SURE.

THAT'S CALLED PLAZA SAINT DAVID IS THE NAME ON IT, BUT IT'S MIXED, BOTH MEDICAL DELIVERY SERVICES AND MEDICAL OFFICES AND REHAB RELATED FACILITIES.

McCracken: SO THAT IS PROPOSED TO BE IN THE 120-FOOT HEIGHT ZONE?

IT IS PART OF THAT 125-FOOT ZONE.

McCracken: SO THAT INDICATES THEN THAT THE CURRENT BUILDING WOULD HAVE TO BE TORN DOWN AND SOMETHING NEW BUILT ON THAT SITE?

I DON'T KNOW IF IT WOULD HAVE TO BE FULLY TORN DOWN, BUT IT WOULD HAVE TO BE REDEVELOPED.

McCracken: SURE. OKAY. AND THEN WHAT IS CURRENTLY ALONG INTERSTATE 35, THE USE ALONG INTERSTATE 35 CURRENTLY.

CURRENTLY ALONG 35 THE BUILDING TO THE NORTH IS I BELIEVE CALLED THE PAVILION BUILDING AND HAS MANY OF THE ADMINISTRATIVE OFFICES AND I THINK THRR..... THERE ARE SOME OTHER MEDICAL DELIVERY USES THERE. SOUTH OF THAT IS AN EXISTING WOMEN'S STRRKS A ONE-STORY BUILDING. THAT WILL BE REDEVELOPED TO THE MEDICAL OFFICE COMPLEX THAT WE'VE BEEN TALKING ABOUT THAT WILL HAVE A PARKING GARAGE AND DOCTOR'S OFFICES IN THERE. SO IT WILL BE A MIX ALONG THERE. PRIMARILY THAT NEW BUILDING IS MEDICAL OFFICE BUILDING.

McCracken: ONE REASON I WANTED TO KNOW THAT IS OBVIOUSLY WE'RE ALL AWARE OF WHAT'S THE DISCUSSION GOING NORTH TO CONCORDIA SITE AND THE ISSUES OF HOW USABLE IS A SITE ALONG INTERSTATE 35. AND IT SOUNDS LIKE AT LEAST IN ST. DAVID'S EXPERIENCE A 60-FOOT BUILDING IS -- Y'ALL HAVE BEEN USING IT AS AN OFFICE AND PATIENT CARE BUILDING, IS THAT CORRECT?

CURRENTLY WE HAVE, YES.

McCracken: THEN THIS IS GREG OR GEORGE, THIS MIGHT BE FOR Y'ALL, BUT THERE'S THE QUESTION OF THAT RETAINING WALL, THE SIDEWALK ON RED RIVER, SO COULD Y'ALL WALK US THROUGH WHERE Y. IT COULD NOT BE A GREAT STREET AREA? BECAUSE IT STRIKES ME THAT PROBABLY EITHER THERE COULD BE A MOVEMENT OF THE RETAINING WALL FURTHER IN, BUT I DON'T KNOW ENOUGH ABOUT THE SITE, SO Y'ALL TELL ME ABOUT THAT.

IT MAY BE THAT THEY MAY HAVE TO ACTUALLY ADDRESS SOME OF THOSE SPECIFIC ISSUES. WE COULD WORK WITH THE APPLICANT AND FIND OUT HOW MUCH RIGHT-OF-WAY THEY ACTUALLY HAVE AVAILABLE TO OBTAIN THE SIDEWALKS THAT WOULD BE NECESSARY TO COMPLY WITH GREAT STREETS AND THE TREES. THAT DISCUSSION WAS GENERALLY DISCUSSED BEFORE THE TAF RECOMMENDATION WAS COMPLETED AND WE WENT TO COMMISSION BECAUSE IT WAS JUST A PROPOSAL THAT WAS BEING DISCUSSED IN A LIMITED AREA. SO WE WOULD NOT GET INTO THE DETAIL OF TALKING ABOUT WHAT SPECIFICALLY COULD BE DONE ALONG RED RIVER? I THINK YOU'VE HEARD THAT THERE MIGHT BE WILLING TO DO SOME THINGS THAT ACTUALLY WERE NOT DISCUSSED WITH STAFF WHEN WE MADE OUR RELIGIOUS AND WE WENT TO COMMISSION -- WHEN WE WENT TO RECOMMENDATION OR THE COMMISSION, SUCH AS THE SCREENING OR HAVING THICK EYE I HAVE ON THESE WALLS AND POSSIBLY DOING SOME RELOCATION.

McCracken: I'LL SAY RESPECTFULLY, I APPRECIATE THE EFFORT ON THAT PROPOSAL, BUT THAT -- WE'RE TRYING TO CREATE A QUALITY URBAN ENVIRONMENT AND THAT -- I DON'T REALLY THINK THAT REALLY GETS US VERY FAR TO DO IVY ON A RETAINING WALL. WE'RE LOOKING AT THE ST. DAVID'S SITE AT 1.6 MILLION SQUARE FEET IT'S THE EQUIVALENT OF ABOUT FOUR DOWNTOWN SKY SCRAPERS. THIS IS A LOT OF STUFF WE'RE TALKING ABOUT. AND WHEN YOU TALK ABOUT IT IN THAT SENSE, WE NEED TO MAKE SURE THAT IF WE'RE TALKING ABOUT A PROPOSAL THAT IS THE EQUIVALENT OF FOUR DOWNTOWN SKY SCRAPERS, WE SHOULD BE LOOKING AT A STREET AND SIDEWALK SYSTEM

THAT IS A DOWNTOWN EQUIVALENT. AND SO I THINK WE NEED TO GET SOME GUIDANCE ON HOW WE GET THAT RETAINING WALL SHIFTED OVER. AND IN DESIGN STANDARDS, ONE OF THE THINGS WE DID ON THAT SIDEWALK IS WE SAID THAT A DEVELOPER HAS TO BUILD A 15-FOOT SIDEWALK NO MATTER WHAT. AND PART OF IT MAY BE CITY RIGHT-OF-WAY AND PART OF IT MIGHT BE THE DEVELOPER'S LAND, BUT THE KEY IS TO MAKE IT HAPPEN. AND WE HAVE COME UP IN OUR DESIGN STANDARDS CODE WITH A WAY TO MAKE THAT HAPPEN. AND SO I'M LOOKING AT THE GOOGLE SATELLITE MAP OF THIS AREA RIGHT NOW AND IT STRIKES ME THAT THERE IS NO BUILDING IMPEDIMENT, LIKE THERE'S NO BUILDING INTRUDING INTO THAT AREA THAT WOULD PREVENT A 15-FOOT SIDEWALK WITH STREET TREES. AND THE SAME ON 32nd. THIS IS A VERY IMPORTANT FROM PUBLIC SERVICE FOR HOSPITAL, BUT ALSO I THINK, GREG, YOU ARE VERY CORRECT THAT WITH A DEVELOPMENT OF THIS SCALE THAT FROM A P.U.D. WE EXPECT A LOT. AND SCO WE..... SO WE NEED TO HELP MAKE THAT HAPPEN. I THINK YOU'RE ON THE RIGHT TRACK AND WE NEED GUIDANCE ON HOW TO MAKE THAT HAPPEN FOR GREAT STREETS CALIBER SIDEWALKS ON RED RIVER.

IF COUNCIL APPROVES THIS ON FIRST READING, WE CAN WORK WITH THE DEVELOPER, WE CAN WORK WITH THE HOSPITAL AND SEE WHAT THEY CAN DO DO TO MEETING GREAT STREET STANDARDS TO THE EXTENT POSSIBLE GIVEN THE RIGHT-OF-WAY THAT EXISTS AND THE TOPOGRAPHY THAT EXISTS ALONG RED RIVER.

...

McCracken: MY LAST QUESTION IS THIS. ON THAT BUILDING THAT'S CURRENTLY THERE AT THE SOUTHWESTERN PORTION THAT'S PART OFFICE, THE SAIND ST. DAVID'S PLAZA, WHAT IS PROPOSED IN THE P.U.D. APPLICATION FOR THAT TO BE USED AS WHEN IT BECOMES A 120-FOOT BUILDING.

IT WOULD BE A MIXED MEDICAL OFFICE AND MEDICAL FACILITY, BUT WE DON'T KNOW EXACTLY WHAT IT IS. AGAIN, WE WOULD HAVE TO RESPOND TO WHAT NEEDS TO BE BUILT

AT THAT TIME.

McCracken: SO ONE OF THE THINGS IS THAT -- A COUPLE OF THINGS. WE WOULD STEP BACK IN DOWNTOWN REQUIRE A STEP BACK THAT IF YOU'RE GOING TO HAVE A TALL BUILDING YOU WOULD NOT HAVE A 120-FOOT SHEER WALL, YOU WOULD HAVE A STEP BACK. SO I THINK THAT'S TO BE PRETTY IMPORTANT. CONCEPTUALLY I DON'T HAVE A PROBLEM MYSELF WITH A 120-FOOT BUILDING IF IT'S DONE IN THE RIGHT WAY, WHICH WOULD BE DOWNTOWN DESIGN GUIDE LIENL, WHICH IS GROUND FLOOR, ACTIVE USES, GREAT STREET SIDEWALKS AND THE STEP BACK AT 60 FEET. BECAUSE OF THE SCALE OF THIS DEVELOPMENT WE HAVE TO THINK OF IT IN THOSE TERMS OF HOW IT RELATES TO THE STREET AND THE AREA. SO THAT STRIKES ME BECAUSE THAT IS INTENDED TO BE AN OFFICE USE THERE'S A GREAT OPPORTUNITY AND I THINK YOUR EMPLOYEES WILL LOVE HAVING SOMETHING LIKE THAT HERE.

IF I MAY RESPOND, AND IF WE COULD PUT UP THE --

Mayor Wynn: ACTUALLY, MR. GILLETT, WE'RE GOING TO TAKE A BREAK AND THIS WOULD BE A GOOD TIME FOR THE COUNCIL TO THINK THROUGH WHAT DIRECTION TO GIVE STAFF IF WE'RE GOING TO TAKE ACTION ON FIRST READING BECAUSE WE'RE TO OUR 5:30 BREAK FOR LIVE MUSIC AND PROCLAMATIONS. STAY TUNED FOR THE FOLKS FROM MCCALLUM HIGH SCHOOL FINE ARTS ACADEMY. WE HAVE A TRUNCATED PROCLAMATION SESSION TODAY, THEN WE'LL COME BACK AND FINISH THIS CASE APPROPRIATELY. SO WE ARE NOW TECHNICALLY IN RECESS. THANK YOU VERY MUCH.

Mayor Wynn: WE HAVE A SPECIAL TREAT TODAY BECAUSE WE'VE THEATRE AT MCCALLUM FINE ARTS ACADEMY. FOR THE PAST DECADE, THE THEATRE AT MCCALLUM FINE ARTS ACADEMY HAS BEEN OFFERING THEATRE EDUCATION FOR STUDENTS ALL AROUND AUSTIN. THE PROGRAM FEATURES FOUR TO SIX MAIN STAGE SHOWS EACH YEAR IN ADDITION TO SCORES OF SMALLER PRODUCTIONS WITH A BROAD RANGE OF PRODUCTIONS AND EDUCATION IN BOTH PERFORMANCE AND DESIGN, THE MCCALLUM STUDENTS IN THE THEATRE PROGRAM ARE BEING RAISED ON STATE,

NATIONAL AND EVEN INTERNATIONAL LEVELS. THIS YEAR THE THEATRE AT MCCALLUM WAS CHOSEN TO REPRESENT AUSTIN AS PART OF THE AMERICAN HIGH SCHOOL THEATRE FESTIVAL IN EDINBURGH, SCOTLAND. THEY WILL PRESENT RECKLESS BY CRAIG LUCAS. TODAY MCCALLUM'S MONIQUE HUFF WILL SING..... WILL SING A SONG ABOUT ANOTHER RESIDENT AT THE NORTH POLE, MRS. CLAUSE CLAUS. (music)

I WAS JUST SEVENTEEN WHEN YOU RODE INTO TOWN JUST A GIRL FULL OF FANTASIES AND LONGING I SAW YOU I KNEW I HAD TO BE WITH YOU THEN YOU LOOKED IN MY EYES AND YOU ASKED ME MY NAME AND I TREMBLED BEFORE YOU LIKE A BABY THEN GENTLY I KISSED YOU WHO COULD RESIST YOU? YOU TOOK MY HEART AND SOUL AND BEFORE I HAD A CHANCE TO TAKE CONTROL WE RETIRED TO YOUR PALACE ON THE POLE WHERE WE ONLY HAD OURSELVES AND THE REINDEER AND THE ELVES AND A LOT OF THINGS WE NEVER SAID ABOUT THE LIFE I COULD HAVE LED IF I HAD HAD THE SENSE TO STAY AWAY BUT HERE WE ARE NICK AND SO NICK I KNOW IT'S TIME FOR YOU TO GO NICK I KNOW BY NOW I'LL NEVER CLAIM YOU FOR MY OWN I'VE BEEN RESIGNED TO SPEND MY CHRISTMASSES ALONE AND SO AU REVOIR NICK IT'S GRAND NICK I DON'T PRETEND TO UNDERSTAND NICK I SAW YOU LOOK AT BLITZEN LONG AND LOVINGLY THE WAY YOU USED TO LOOK AT ME I HAVE SAT TWENTY YEARS IN THIS DRAFTY RETREAT AS THE LATEST IN THE LINE OF MRS. CLAUSES I'VE SAT HERE AND WONDERED WHAT YOU WANT FROM ME BUT YOU SIT BY YOURSELF ON THE COUCH IN THE DEN AND YOU WATCH "MIRACLE ON 34TH STREET" YOU GET SAD AND DREAMY CAN'T EVEN SEE ME WON'T EVEN SAY, "HELLO!" NOW YOU TELL ME THAT IT'S TIME FOR YOU TO GO HA! SLING YOUR SACK UPON YOUR BACK AND "HO, HO, HO!" HA! AND WHAT MATTERS MOST OF ALL IS TO SIT INSIDE SOME MALL AND YOU NEVER THINK OF ME WHILE I AM PINING BY THE TREE BUT NEVER MIND I WILL SURVIVE WHILE YOU ARE GONE I SET YOU FREE, NICK GOODBYE, NICK GO RIDE YOUR REINDEER THROUGH THE SKY, NICK I DON'T SUPPOSE YOU'LL EVER WANT ME BY YOUR SIDE I KNOW YOU NOW YOU WANT A PLAYTHING, NOT A BRIDE SO ON YOUR WAY, NICK SHALOM, NICK DON'T FEEL THE NEED TO HURRY HOME, NICK SHOULD I WANT COMFORT IN THE COLD AND BITTER STORM I'VE GOT THE ELVES TO KEEP ME WARM OH, OH, NICK, I DIDN'T MEAN IT. I'M JUST GOING CRAZY ALL

COOPED UP IN HERE! OH, NICK, PLEASE TAKE ME WITH YOU. PLEASE! I'M YOUR WIFE DAMN IT. ISN'T THERE ONE ONCE OF HUMAN DECENCY BURIED BENEATH ALL THOSE LAYERS OF FAT? YOU DISGUST ME! OH YES, IT'S SO EASY TO JUDGE, ISN'T IT? DECIDING WHO'S NAUGHTY AND WHO'S NICE? WELL, WHO DIED AND LEFT YOU GOD, MR. CLAUS? THAT'S ALL FROM ME, NICK OKAY, NICK FNLT I'VE GOT THE ELVES TO KEEP ME WARM. THAT'S ALL FOR ME, IN THIS NICK! GAIN WAY, NICK. I'D HATE TO KEEP YOU FROM YOUR SLEIGH ACTION NICK. HAVE 51 ALL THE LITTLE BOYS ALONG YOUR ROUTE. I'LL GET THE MANSION AND THE FACTORY TO BOOT. I WILL NOT WAIT UNTIL THE SNOW BENEATH ME THAWS. I WILL ESCAPE YOUR SANTA CLAWS. [APPLAUSE]

Mayor Wynn: WELL DONE, MONIQUE. SO BEFORE I WISH THE OFFICIAL PROCLAMATION, LET'S TALK ABOUT THE ACADEMY, LET'S TALK ABOUT THE TRIP AND APPARENTLY THERE'S PROBABLY SOME FUND..... FUND-RAISING THAT NEEDS TO GO ON BECAUSE OF THAT.

I'M BRANDI DE LOS SANTOS, THE THEATRE ARTS DIRECTOR AT MCCALLUM AND ALSO SCOTT TATUM. WE HAVE SEVERAL STUDENTS WHO WILL TALK TO YOU ABOUT DIFFERENT THINGS IN OUR DEPARTMENT. THIS IS DAVID, LEAH AND KATI. IS.

.....

I AM A JUNIOR AT MCCALLUM, I AM A THEATRE MAJOR. I WOULD JUST LIKE TO THANK EVERYONE FOR ALLOWING US TO BE HERE TODAY. JUST A LITTLE BIT ABOUT OUR PROGRAM AT MCCALLUM. THIS IS A VERY DIVERSE GROUP OF PEOPLE. AND ALL THIS TALENT IS COMING TOGETHER LIKE YOU MENTIONED EARLIER. THERE ARE LIKE SIX MAIN STAGE SHOWS. I'VE SEEN A LOT OF IMPRESSIVE WORK WHILE I'VE BEEN HERE AT MCCALLUM AND IT'S REALLY QUITE AN HONOR TO BE AT THIS SCHOOL. YOU'RE ALSO GIVING EXPERIENCES TO THE KIDS, WHICH YOU CAN'T REALLY GET ANYWHERE ELSE AND THEATRE ALLOWS YOU TO DO THAT AND I THINK MCCALLUM DOES A GREAT DEAL TO ACCENTUATE THAT. AND WE REALLY APPRECIATE BEING HERE. SO THANK YOU.

Mayor Wynn: WELCOME.

HI. I'M LEAH BARISH AND I'M A JUNIOR THEATRE YOUR AT MCCALLUM HIGH SCHOOL. LAST YEAR OUR PROGRAM WAS CHOSEN AS PART OF THE AMERICAN HIGH SCHOOL THEATRE FESTIVAL TO ATTEND THE INTERNATIONAL FRINGE FESTIVAL IN EDINBURGH, SCOTLAND. WE ARE ONE OF ONLY 30 AMERICAN HIGH SCHOOLS CHOSEN TO REPRESENT THE U.S. THE FRINGE FESTIVAL BEGAN IN 1947 AS A POST WAR PEACE INITIATIVE FOR YOU ARE RAP AND WE ARE THRILLED TO BE TAKING OUR FALL SHOW RECKLESS TO SCOTLAND THIS COMING AUGUST; HOWEVER, IT COST \$4,500 TO SEND JUST ONE STUDENT, SO WE'VE BEEN INVOLVED IN MASSIVE FUND-RAISING EFFORTS SO THAT WE CAN SEND EVERYBODY. AND TO TALK MORE ABOUT FUND-RAISING IS KATI KAMPF, BUT I FIRST WANT TO SAY THANK YOU VERY MUCH TO COUNCILMEMBER DUNKERLEY FOR HER GENEROUS DONATION AND WE WOULD LIKE TO ISSUE A FRIENDLY CHALLENGE TO THE REST OF THE COUNCILMEMBERS AND TO EVERYONE TO CONTINUE DONATING SO THAT WE CAN GO TO SCOTLAND AND REPRESENT AUSTIN, TEXAS. THANK YOU VERY MUCH.

HI, I'M KATI KAMPF. I'M ALSO A JUNIOR AT MCCALLUM. THIS SATURDAY WE'LL BE HOLDING A FUND-RAISER, CASINO NIGHT. THAT'S GOING TO BENEFIT THE FINE ARTS THEATRE. MANY OF THE PROCEEDS ARE GOING TO FUND OUR TRIP TO SCOTLAND, WHICH WE HAVE NINE STUDENTS ON FULL SCHOLARSHIP, BUT DON'T THINK THAT YOU'RE GOING TO BE A SIMPLE CHARITY CASE, OH NO. THRT THRL BE GREAT PRICES AND THE SILENT AUSTIN AND GAMBLING BEING HELD. SOUTH SOUTH TICKET AND IPODS IN ADDITION TO A FEW, IN ADDITION TO SOME SPICY PERFORMANCES BY NONE OTHER THAN OUR VERY OWN MCCALLUM FINE ARTS STUDENTS AND FOOD CATERED BY CURAS. BUT TICKETS CAN BE BOUGHT AT WWW.MACTHEATREFUND.COM OR AT THE DOOR. THE GOOD TIMES WILL ROLL AT THE AMERICAN LEGION HOLD AT 2202 VETERANS DRIVE AND WILL BE FROM 7:00 TO 11:00 P.M. SO DON'T BE A STRANGER. [APPLAUSE]

Mayor Wynn: CLOSING STATEMENT? BEFORE YOU GET AWAY THEN, WE HAVE A SPECIAL PROCLAMATION THAT READS: BE IT KNOWN THAT WHEREAS THE LOCAL MUSIC COMMUNITY

MAKES MANY CONTRIBUTIONS TOWARDS THE DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC AND CULTURAL DIVERSITY AND WHEREAS THE DEDICATED EFFORTS OF AUSTIN'S ARTISTS FURTHER OUR STATUS AS THE LIVE MUSIC CAPITOL OF THE WORLD, NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, DO HERE BY PROCLAIM TODAY, DECEMBER 7TH, 2006 AS THE THEATRE AT MCCALLUM FINE ARTS ACADEMY DAY IN AUSTIN AND CALL ON ALL CITIZENS TO JOIN ME IN CONGRATULATING AND THANKING THIS GREAT TALENT. [APPLAUSE] WELL DONE.

Mayor Wynn: FOR OUR PROCLAMATION TODAY IT'S ACTUALLY TECHNICALLY A DISTINGUISHED SERVICE AWARD. I'M JOINED BY CITY MANAGER TOBY FUTRELL AND CHRIS LIPPE, OUR HONOR ROOE THIS REE. EVENING I'LL DO IS READ THE DISTINGUISHED SERVICE AWARD AND TURN IT OVER TO TOBY TO TALK ABOUT CHRIS' LONG HISTORY WITH THE CITY OF AUSTIN.

FOR 25 YEARS OF PUBLIC SERVICE TO THE CITY OF AUSTIN DURING WHICH HE DEMONSTRATED COMMITMENT, DEDICATION AND EXCELLENCE IN SERVICE TO THE COMMUNITY, CHRIS LIPPE IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. HE HAS BEEN A DISBID GUIDING FORCE IN THE GROWTH AND DWOANLT OF THE AUSTIN WATER UTILITY AS IT HAS RISEN TO THE CHALLENGE OF A POPULATION THAT HAS DOUBLED SINCE 19... 1984 WHEN HE STARTED WITH THE CITY AS AN ENGINEERING MANAGER. AS ADVANCEMENT TO THE WATER UTILITY AFS NATURAL PROGRESSION FOR AN YIRN WHO HAS ADHERED TO THE HIGHEST PERSONAL AND PROFESSIONAL STANDARDS. CHRIS HAS MENTORED MANY OF THE UTILITY'S CURRENT UPPER MANAGEMENT LEVEL PERSONNEL AND LEAVES THE UTILITY AND THE CITY WITH A LEVEL OF WATER SERVICE AND QUALITY THAT EXCEEDS ALL STATE AND NATIONAL STANDARDS AND CONTRIBUTES TO MAKING AUSTIN THE NATION'S MOST LIVEABLE CITY. THE CERTIFICATE IS PRESENTED WITH OUR ADMIRATION AND APPRECIATION AND SIGNED BY ME AND THE ENTIRE CITY COUNCIL. A DISTINGUISHED SERVICE AWARD FROM THE CITY OF AUSTIN TO MR. CHRIS LIPPE. [APPLAUSE]

Futrell: THIS IS A VERY MODEST GENTLEMAN WHO HAS

WORKED WITH FOWS A LONG TIME, SINCE 1984. CHRIS LEANED OVER TO ME AS WE STARTED AND HE SAID, NOW, WHAT DO I DO? DO I JUST STAND HERE? [LAUGHTER] I DON'T THINK PEOPLE UNDERSTAND MAYBE EVEN THE SIZE AND SCOPE OF THE RESPONSIBILITIES OF A WATER AND WASTEWATER UTILITY IN A CITY THE SIZE OF AUSTIN. CHRIS HAS SERVED AS OUR DIRECTOR FOR MANY YEARS. HE'S BEEN WITH THE CITY SINCE 1984. HE IS A CLASSIC EXAMPLE OF YOUR CITY EMPLOYEE. STRONG ETHICS, HARD WORKING, BRIGHT. HE HAS TAKEN OUR UTILITY REALLY TO THE TOP RANKS. OUR UTILITY IS FREQUENTLY RECOGNIZED FOR MANY, MANY THINGS THAT THEY DO, INCLUDING THE QUALITY OF OUR WATER THAT COMES OUT OF YOUR TAP THAT WE DON'T THINK ABOUT EVERYDAY WHEN WE TURN ON THE TAP. THESE ARE SAD DAYS FOR ME AND WE HAVE A LOT OF THEM, WAY TOO MANY LATER AS OUR TENURED ORGANIZATION BEGINS TO RETIRE. LOSING CHRIS WILL BE A HUGE LOSS TO THE CITY OF AUSTIN. HE WILL BE DIFFICULT TO REPLACE. HE'S BEEN A FRIEND AND A PEER OF MINE FOR A LONG, LONG TIME. SO CHRIS, WE ARE GOING TO GIVE YOU -- AND CHRIS' ACTUAL PARTY WITH THE STAFF IS TOMORROW, SO WE'RE SEPARATING OUT ALL OF OUR GIFTS. YOU WILL GET OFF THE HOOK A LITTLE BIT TONIGHT. BUT WE'RE GOING TO GIVE YOU OUR ACE AWARD, OUR DISTINGUISHED SERVICE AWARD FOR BEING AN AUSTIN CITY EMPLOYEE TO CHRIS LIPPE, 1984 TO 2006, AUSTIN WATER UTILITY DIRECTOR. YOUR PASSION FOR PUBLIC SERVICE NOT ONLY MADE A DIFFERENCE, IT PROVIDES A BENCHMARK FOR HELPING MAKE AUSTIN THE MOST LIVEABLE CITY IN THE COUNTRY. THANK YOU, CHRIS, FOR EVERYTHING YOU'VE DONE. [APPLAUSE] AND NO DIRECTOR GETS AWAY WITHOUT GETTING THEIR OWN CUSTOMIZED STREET SIGN. NOW, I KNOW YOUR WIFE IS PROBABLY WONDERING RIGHT NOW WHERE SHE WILL PUT THIS IN THE LIVING ROOM, AND I LOVE THAT THEY GAVE YOU A NEW ENDING HERE, CHRIS. YOU ARE NOW CHRIS LIPPE COVE, YOUR VERY OWN STREET NAME.

WHICH WOULD BE BETTER THAN LIKE SLOPE FAILURE. [LAUGHTER]

Futrell: CHRIS, YOUR VERY OWN SIGN. WE WANT TO SEE

THAT PROM DENTALLY DISPLAYED IN YOUR HOUSE.

IT WILL BE.

Futrell: WOULD YOU COME UP AND SAY A FEW WORDS TO US, CHRIS?

FIRST OF ALL, JUST THANK YOU VERY MUCH. THANK YOU FOR EVERYONE BEING HERE. I REALLY APPRECIATE YOUR PRESENT. IT MEANS A WHOLE LOT TO ME. I WANT TO THANK THE MAYOR AND THE CITY COUNCIL AND PAST CITY COUNCILMEMBERS FOR ALL THE SUPPORT THAT YOU'VE GIVEN TO THE UTILITY AND ITS PROGRAMS AND ESPECIALLY THE PEOPLE AT THE UTILITY. I REALLY APPRECIATE THAT. I WANT TO THANK THE CITY MANAGER TOBY FUTRELL AND THE RECENT PAST CITY MANAGER HEY JESUS GARZA FOR THE OPPORTUNITIES THAT THEY'VE PROVIDED TO ME AND FOR THEIR SUPPORT OF THE UTILITY AS WELL. I WANT TO RECOGNIZE MY WIFE CINDY. WHERE'S CINDY? THERE SHE IS. I JUST NEEDED TO RECOGNIZE HER, INTRODUCE HER TO Y'ALL AND SHE HAS PUT UP WITH A LOT OF THOSE LATE NIGHT PHONE CALLS AND THE STRANGE SCHEDULES, THE LONG SCHEDULE.

IT WASN'T THAT LATE, CHRIS. [LAUGHTER]

JUST EVERY ONCE IN AWHILE. SO CINDY HELPS KEEP THING IN PERSPECTIVE. SHE KEEPS ME GROUNDED. I APPRECIATE THAT. [APPLAUSE] I'VE REALLY ENJOYED WORKING WITH THE CMO TEAM, EVERY ONE OF YOU. I REALLY APPRECIATE THE GUIDANCE, DIRECTION, HEALTH AND ADVICE THAT YOU'VE GIVEN TO ME AND YOUR SUPPORT OF THE UTILITY AS WELL. THANK YOU VERY MUCH. IT'S BEEN AN INTERESTING, EXCITING CHAPTER IN MY CAREER, A LONG CHAPTER, 22 YEARS WITH THE CITY. BUT THERE'S BEEN A LOT OF CHALLENGES FROM START TO FINISH, BUT THE CHALLENGES WERE MET BY THE PROFESSIONAL DEDICATED, CATER STAFF OF THE AUSTIN WATER UTILITY. SO AUSTIN'S VERY FORTUNATE TO HAVE A STRONG UTILITY AND I KNOW THAT I JUST HAVE GREAT SUCCESS S TO LOOK FORWARD TO INTO THE FUTURE. SO IT'S BEEN A BLESSING BEING AN EMPLOYEE OF THE CITY AND IT GIVES ME A PERSPECTIVE ON ALL THE THINGS WE SEE UNDER US

EVERYDAY THAT WE TAKE -- IT'S EASY TO TAKE FOR GRANTED, BUT JUST EVERY FACILITY, ALL THE MAINTENANCE, THE CONSTRUCTION AND ALL THE SERVICES THAT ARE PROVIDED BY ALL THE DEPARTMENTS OF THE CITY. I FEEL LIKE NOW I'M LUCKY BECAUSE I KNOW THE CARE AND THE DEDICATION AND THE COMMITMENT THAT GOES BEHIND THE SCENES IN MAKING ALL OF THAT WORK. IT'S A HUGE ENDEAVOR. SO I FEEL REALLY BLESSED TO HAVE BEEN A PART OF IT. AND AGAIN, THANK YOU ALL FOR BEING HERE. THANK YOU. [APPLAUSE]

Mayor Wynn: THE COUNCIL MEETING WILL RESUME AFTER A SHORT BREAK.

THERE BEING A QUORUM PRESENT AT THIS TIME I'LL CALL BACK TO ORDER THIS MEETING OF THE CITY COUNCIL. IF YOU REMEMBER WE HAD GOTTEN THROUGH FORMAL TESTIMONY THROUGH THE PUBLIC HEARING OF ITEM NO. 38 BUT WE'RE STILL QUESTIONING BOTH A COUPLE NEIGHBORS AND THE AGENT OF THE PROJECT. I BELIEVE MR. GILLETT WAS AT THE MIKE AND WAS PREPARED TO MAKE A COUPLE OF POINTS RELATED TO A QUESTION BY COUNCIL MEMBER MCCracken. WE CAN GO TO THE SITE LATER.

AND THAT AREA WE TALKED ABOUT EARLIER IN THAT WAS TO ENHANCE THOSE BY WIDENING THE SIDEWALK IN THAT AREA, AND THEN NAIR ON THE GROUND IT DOWN IF THE RETAINING WALLS STAYED IN PLACE AND WIDENING THEM BACK UP AS YOU GOT TO 32ND STREET. THAT WAS ALL IN THAT PLAN WHEN I MET WITH YOUR OFFICE A COUPLE WEEKS AGO OR A WEEK AGO ON THAT. WE SAID, WE'LL LOOK AT HOW WE CAN SOFTEN THAT FEEL, AND THAT WAS WHAT WAS IN OUR MIND WHEN WE CAME THERE. SO I JUST WANTED TO CLARIFY THOSE POINTS.

I APPRECIATE IT. AND I THINK THAT THE -- IN LOOKING AT -- GUIDANCE ABOUT A SUCCESSFUL MODEL FOR QUALITY URBAN DEVELOPMENT BECAUSE WE'VE GOT TO REMEMBER THIS IS NOT A SUBURBAN DEVELOPMENT AS YOU KNOW IT, IT'S AN URBAN DEVELOPMENT SO THINGS LIKE THE DOWNTOWN DESIGN GUIDELINES AND DESIGN STANDARDS ARE CREATED TO -- HOW DO YOU HANDLE SIGNIFICANT BUILDING INTENSITIES AND STILL HAVE A PLACE WHERE IT'S

A NICE PLACE TO LIVE. SO THAT'S WHY THIS STUFF MATTERS AND IT'S NOT JUST WHAT THEY'RE ADDRESSING. IT'S ABOUT HOW DO YOU ACCOMMODATE DENSITIES LIKE THIS AND STILL MAKE IT A NICE PLACE TO LIVE. AND SO -- AND TYPICALLY, I'LL SAY THIS, A LITTLE PIECE OF GRASS IS NOT -- THAT'S NOT CONSIDERED AN IMPORTANT ASPECT IN A QUALITY URBAN SPACE. I MEAN, A PARK IS OPENING UP ON THE MIX OF USES, BUT IN TERMS OF WHAT THIS WOULD ACHIEVE MISUNDERSTANDINGS ALLEY, THAT -- THE CHALLENGES, THAT IS -- THAT DOESN'T REALLY FIT IN WITH -- I THINK WHAT IS THE WISDOM LEARNED IN DOWNTOWN ABOUT HOW.....ABOUT HOW YOU HANDLE A LOT OF INTENSITIES IN PUBLIC SPACES.

YEAH.

MAYOR WYNN:

COUNCIL MEMBER, WITH ALL DUE RESPECT, THE AREA THAT'S -- WE CALL IT THE BUFFET AREA THERE, NEXT TO THE BANANA SHAPE BUILDING, I THINK DOES CREATE THE PEDESTRIAN -- THE LIVABILITY FUNCTION IN THAT AREA, AND WHEN YOU GO UP WITH THE INTENSITIES, THOSE TREES ARE LARGE AND WILL CONTINUE TO GROW, AND IN MY OPINION DO PROVIDE A GOOD LIVABILITY FUNCTION. I THINK THE SITE WITHIN ITS CONSTRAINTS, EXCEPT FOR THAT ONE PART ALONG RED RIVER, IS NICELY LANDSCAPED, WITH LOTS OF TREES AND LOTS OF GRASS AREAS, AND THAT'S --

THAT KIND OF MODEL, THOUGH, IS NOT A BEST PRACTICE -- IT'S NOT -- AND, IN FACT, OUR PLANNING STAFF HAS DONE A GREAT JOB IN DOWNTOWN. FOR INSTANCE, THAT IN OUR NATIONAL CONSULTANTS IN DEVISING THE STANDARDS ON CORE TRANSIT AND URBAN CORRIDORS AND ROADWAYS DID NOT VIEW THAT AS A BEST PRACTICE ANYMORE. IT'S NICE BUT IT'S NOT FUNCTIONAL AND WE'RE GOING TO HAVE A SIGNIFICANT BUILDING INTENSITIES WE NEED TO MAKE SURE THAT PUBLIC SPACES WERE..... ARE NICE AND FUNCTIONAL BECAUSE THEY HAVE A FUNCTION, SO THAT'S....

MAYOR WYNN: COUNCIL MEMBER MARTINEZ?

MART....

MARTINEZ: I THINK I SHARE THE CONCERNS ABOUT WHAT WE DO ON THE RED RIVERSIDE, BUT I DO BELIEVE THAT IT'S SOMEWHAT OF A DIFFERENT COMPARISON THAN THE DOWNTOWN HIGH RISE. WE'RE TALKING ABOUT A HOSPITAL THAT IS FULL OF PATIENTS AND PEOPLE SEEKING TREATMENT FOR DIFFERENT REASONS AND I JUST DON'T THINK THERE'S THE INTENSITY IN POPULATION, NOR DOES IT GENERATE THE PEDESTRIAN TRAFFIC THAT THREE DOWNTOWN HIGH RISES GENERATE. SO I THINK WE CAN WORK ON IMPROVEMENT AS IT RELATES TO RED RIVER, AND I APPRECIATE YOU GUYS WILLING TO DO THAT, BUT I I JUST DON'T SEE THE DIRECT CORRELATION AS TO HOW IT TRANSLATES INTO DOWNTOWN INTENSITY. I THINK THAT'S A VERY DIFFERENT TYPE OF STRUCTURE AND DIFFERENT TYPE POPULATION THAT EXISTS WITHIN DOWNTOWN HIGH RISE.

MAYOR WYNN: COUNCIL MEMBER.

CAN YOU TELL US THE ESTIMATE OF A COST OF GREAT STREETS DESIGN ON RED RIVER.

WE HAVE NOT GENERATED THOSE NUMBERS BUT THEY'RE SUBSTANTIAL, FROM WHAT I UNDERSTAND, PRIMARILY BECAUSE OF THE WAY THAT THE TOPOGRAPHY WORKS AND BECAUSE OF THE AMOUNT OF CUT AND FILL, I GUESS, FOR LACK OF BETTER TERMINOLOGY, AND THE ADDITIONAL TERRACING. YOU'D HAVE TO PUT NEW RETAINING WALLS BACK IN TO KEEP THE SOIL IN PLACE, AND THE AREA ABOVE THOSE RETAINING WALLS CURRENTLY IS VERY NICELY LANDSCAPED. THERE'S GRASS UP ABOVE THOSE RETAINING WALLS. THERE'S ALL KINDS OF PLANTING UP THERE CURRENTLY. SO IT'S NOT JUST A SIMPLE MATTER OF TAKING A BULLDOZER AND KNOCKING DOWN THAT RETAINING WALL, BUT ONCE YOU PUT THE GREAT STREET IMPROVEMENTS IN PLACE, I THINK CITY STAFF ARE PROBABLY BETTER ABLE AT LEAST TO GIVE AN IDEA ON A NUMBER ON THAT.

NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT.
WHEN WE LOOK AT THE GREAT STREETS DOWNTOWN WE'RE ALMOST LOOKING AT \$100,000 PER FRONTAGE, BUT THIS IS A

LITTLE BIT UNIQUE BECAUSE OF THE TOP AGO REAF AND THE WALL, AND I CIENT..... I COULDN'T GIVE YOU AN ESTIMATE OFF THE TOP OF MY HEAD WHAT THOSE COSTS ARE. WE COULD CERTAINLY LOOK AT THIS WITH THE APPLICANT AND TAKE A LOOK WHAT THE POSSIBLE COSTS MIGHT BE TO TRY TO BRING INTO COMPLIANCE WITH GREAT STREETS OR SOMETHING THAT'S VERY CLOSE TO IT, AND GET THIS INFORMATION BACK TO YOU BEFORE SECOND, THIRD READING IF THAT'S YOUR DESIRE.

COLE: MAYOR, I GUESS I AGREE WITH COUNCIL MEMBER MARTINEZ THAT THIS IS NOT A DOWNTOWN AREA. THIS IS IN AN URBAN AREA, BUT THE GREAT'S..EST UNIVERSITY WHICH HAPPENS TO BE MY ALL MAKE MATTER SITS IN BETWEEN THIS AND TECHNICALLY DOWNTOWN STARTS AT 15TH STREET. SO I'M READY TO MAKE A MOTION, AND I'LL MOVE THAT YOU ACCEPT THE PLANNING COMMISSION'S RECOMMENDATION WITH THE EXCEPTION THAT WE HAVE A 75 FEET AT 50% LIMIT, THAT WE DO NOT ADDRESS THE PARKING GARAGE BECAUSE OF THE TESTIMONY WE'VE ALREADY RECEIVED, AND THAT WE DEAL WITH THE LANDSCAPING ISSUES AS PRESENTED BY THE APPLICANT AS FEASIBLE AND THAT WE ACCEPT ALL THE TRAFFIC IMPROVEMENT THAT WERE IMPORTANT TO THE NEIGHBORS AND THAT THE APPLICANT HAS AGREED TO, WHICH INCLUDE A WEST LEFT TURN LANE, A CENTER LEFT TURN LANE ALONG 32ND STREET, AND A RESTRIPIING OF 32ND STREET AT THE WEST FRONTAGE, AND A STOPLIGHT OR STOP SIGN AS DETERMINED AS NECESSARY BY STAFF AT 30TH STREET. I'D LIKE TO SEE THE ARTICULATION OF THE WALL PRESENTED BY THE APPLICANT.

MAYOR WYNN: SO WE HAVE A MOTION BY COUNCIL MEMBER COLE TO... TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY ITEM NO. 38. PLANNING COMMISSION RECOMMENDATIONS WITH THE EXCEPTIONS THAT SHE NOTED, INCLUDING THE 175 FEET AT 50%, BACK OF THE PARKING GARAGE WOULD NOT BE ADDRESSED AS PART OF THIS -- TECHNICALLY AS PART OF THE HUD, EXCEPT -- ACCEPT ALL OF THE TRAFFIC IMPROVEMENTS THAT HAVE BEEN AGREED TO AS WELL AS THE LANDSCAPING OFFERED AND THE ARTICULATION OF THE WALL, AND OF COURSE WITH DIRECTION OF STAFF TO HELP US SORT OF QUANTIFY

ALL OF THIS AND BRING IT BACK PRIOR TO SECOND AND THIRD READING.

MAYOR, MAY I ASK JUST ONE CLARIFICATION? WHEN WE WERE SPEAKING TO ON TO THE -- NOT INCLUDING THE PARKING GARAGE, I THINK THE AGENT WAS EXPLAINING THAT HAD TO DO WITH THE AREA IDENTIFIED AS THE 125-FOOT HEIGHT AREA. IS THAT CORRECT?

COLE: RIGHT.

AND I THINK THAT WAS YOUR CONCERN. I DON'T THINK THEY HAD AN ISSUE WITH THE MORE WESTERN PORTION FOR THE GARAGE. IT WAS THE AREA THAT WAS IN THE MIDDLE THAT..... THAT WAS 125 FEET AND I SEE THE APPLICANT'S AGENTS ALL NODDING YOUR HEAD. SO THAT THE -- IT WOULD BE DELETING THE AREA EXCEPT OF THE PARKING GARAGE PARALLEL TO RED RIVER AS MOVED IN THE WESTERN MOST PORTION AS DESCRIBED AND THAT'S PERTAINING TO THE PLANNING COMMISSION RECOMMENDATION OF THE 125-FOOT AREA. AND I UNDERSTAND FROM NODDING OF THE APPLICANTS, THAT'S WHAT THEY UNDERSTOOD, AND I BELIEVE THAT'S WHAT YOU WERE GETTING AT, COUNCIL MEMBER.

MAYOR WYNN: IS THAT YOUR INTENT, COUNCIL MEMBER COLE?

COLE: YES.

MAYOR WYNN: SO WE HAVE A MOTION BY COUNCIL MEMBER COLE, SECONDED BY THE MAYOR PRO TEM. COUNCIL MEMBER MCCRACKEN?

MCCRACKEN: I THINK I HAVE AN IDEA FOR A COMPROMISE ON THE SIDEWALKS.

WE HAVE A STAD..... STANDARD IN DESIGN STANDARDS FOR THREE AND FOUR STORY BUILDINGS. THE SIDEWALKS THAT SERVE THOSE ON THE CORE TRANSIT CORRIDORS. SO WHAT I'D OFFER AS AN AMENDMENT IS FOR -- TO REQUIRE FIRST READING PURPOSES SUBJECT TO ANALYSIS FROM STAFF, REQUIRE CORE TRANSIT CORRIDOR SIDEWALK STANDARDS

ON 32ND AND ON RED RIVER, AND THEN THE SECOND PART IS THE 175 -- 125E PROPOSED BUILDING ON THE.....125TH BUILDING AREA FRONTING ON RED RIVER, THAT IT REQUIRES 60...60-FOOT SETBACK TO -- MR. WHAT THELY, THAT THAT WOULD BE STANDARD PRACTICE TO NOT HAVE A 125TH SHARE WALL. AND THEN -- AND THEN IF -- I WOULD ALSO -- MY FINAL ELEMENT IS I PROPOSE THAT IF THE 125TH BUILDING ON RED RIVER IS USED FOR COMMERCIAL PURPOSES PRIMARILY AS OPPOSED TO HOSPITAL PURPOSES, THAT IT BE -- HAVE GROUND FLOOR ACTIVE USES -- BE DESIGNED FOR GROUND FLOOR ACTIVE USES ON THE RED RIVER PORTION.

COLE: I GUESS I'M GOING TO SAY THAT I DO NOT ACCEPT THE FRIENDLY AMENDMENT, BUT I WILL AGREE TO DIRECT STAFF TO WORK WITH THE APPLICANT AND THE NEIGHBORS ON THOSE ISSUES AND WE CAN CONSIDER THEM ON SECOND READING, BUT NOT AS PART OF THE MOTION BECAUSE I DON'T WANT IT TIED TOGETHER.

MCCRACKEN: WHICH ONES DO YOU NOT WANT IN THERE?

COLE: WELL, YOU.... YOU GOT TO BACK UP.

MCCRACKEN: THERE'S THREE, CORE STANDARD CORRIDOR SIDEWALK STANDARDS AND THEN THE SETBACK FOR 60 FEET FOR THE 125TH BUILDING ON RED RIVER AND THEN THE -- IF IT IS FOR PRIMARILY COMMERCIAL AS OPPOSED TO HOSPITAL PURPOSES, THAT IT HAVE THE GROUND FLOOR ACTIVE USES. AND EXAMPLES OF THAT WOULD BE THERE'S MEDICAL OFFICE BUILDINGS ON 38TH STREET, FOR INSTANCE, THAT HAVE EXACTLY THAT DESIGN. THEY'RE MEDICAL OFFICE -- THERE'S LIKE A QUIZ KNOWS ON THE GROUND FLOOR AND THINGS LIKE THAT.

COLE: AGAIN, WITH ALL OF THEM I DIDN'T HEAR THE NEIGHBORS SAY THAT THEY WERE MAINLY CONCERNED ABOUT THE TRAFFIC ANALYSIS, BECAUSE I DON'T UNDERSTAND ENOUGH ABOUT COMMERCIAL DESIGN STANDARDS TO INCLUDE IT IN THE MOTION, I'M NOT GOING TO ACCEPT IT. BUT WE CAN STILL CONSIDER IT AFTER WE VISIT WITH THE SECOND --

MCCRACKEN: THIS IS FIRST READING, RIGHT?

MAYOR WYNN: FIRST READING ONLY.

MCCRACKEN: YEAH. OKAY.

COLE: THEY CAN LOOK AT THOSE --

MAYOR WYNN: PERHAPS AS A SLIGHT COMPROMISE, IF MR. GUERNSEY COULD -- OR HIS STAFF COULD RECOGNIZE COUNCIL MEMBER MCCRACKEN'S INTENT HERE, AND THEN BY THE TIME YOU-ALL BRING THIS BACK ON SECOND AND THIRD READING, PERHAPS YOU.... YOU WILL -- YOU COULD EVEN VISUALLY SHOW US WHAT THIS IMPACT WOULD HAVE ON THE FINAL OUTCOME OF THE PUD, AND IT VALLEY MIGHT BE QUITE COMFORTABLE TO THE MAKER OF THE MOTION THEN LEAF LF I'D.....

LEFFINGWELL: I'D LIKE TO ASK IF YOU WOULD ACCEPT A FRIENDLY AMENDMENT, PRIMARILY AT THE NEIGHBORHOOD'S REQUEST TO LEAVE THE PUBLIC HEARING OPEN?

COLE YES.

MAYOR WYNN: SO WE HAVE A SLIGHTLY AMENDED MOTION BY COUNCIL MEMBER COLE, SECONDED BY THE MAYOR PRO TEM TO HAVE THE PUBLIC HEARING REMAIN OPEN BUT TO APPROVE PLANNING COMMISSION RECOMMENDATION FIRST READING ONLY WITH THE FOUR EXCEPTIONS AS NOTED BY THE MAKER. AND ADDITIONAL INSTRUCTIONS OF STAFF TO HELP US ANALYZE SOME OTHER POTENTIAL AMENDMENTS. FIRST COMMENTS, QUESTIONS? HEARING NONE, ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

AYE. OPPOSED? MOTION PASSES ON FIRST READING ONLY, A VOTE OF 6-0 WITH COUNCIL MEMBER KIM OFF THE DAIS.

THANK YOU, MAYOR, AND COUNCIL, THAT CONCLUDES OUR ZONING ITEMS THIS EVENING.

MAYOR WYNN: THANK YOU, MR. GUERNSEY. COUNCIL, THAT TAKES US TO OUR TWO PUBLIC HEARINGS THIS EVENING. I GUESS WE'LL TAKE THESE SEQUENTIALLY, UNLESS STAFF HAS OTHER RECOMMENDATION. THE FIRST ONE IS CONDUCT A PUBLIC HEARING FOR THE FULL PURPOSE ANNEXATION OF THE FOLLOWING AVERY RANCH AREAS THAT -- ACTUALLY I'LL LET THE STAFF EXPLAIN.

GENG, MAYOR AND COUNCIL. I'M VIRGINIA COLLIER FROM THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. THIS IS THE FIRST OF TWO PUBLIC HEARINGS FOR THE PROPOSED AVERY RANCH ANNEXATION HEARING. THE SECOND IS SCHEDULED FOR NEXT THURSDAY, DECEMBER 14 HERE AT 6:00 AND ORDINANCE READINGS ARE SCHEDULED FOR JANUARY 11, 2007. THIS AREA IS LOCATED IN WILLIAMS COUNTY, RECEIVED FINAL SITE APPROVAL INCLUDING A TOTAL OF APPROXIMATELY 240 SINGLE-FAMILY HOMES -- OR SINGLE-FAMILY LOTS. IT'S CURRENTLY UNDEVELOPED. THE. THE AREA IS BEING ANNEXED FOR FULL PURPOSES IN ACCORDANCE WITH THE DEVELOPER REQUEST FOR ANNEXATION AND THE LIMITED PURPOSE REGULATORY PLANS. COPIES FOR THE SERVICE AREA PLAN ARE AVAILABLE THIS EVENING AND I'D BE HAPPY TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE AT THIS TIME.

MAYOR WYNN: THANK YOU, MS. COLLIER. QUESTIONS OF STAFF, COUNCIL? WE HAVE NO CITIZENS SIGNED UP FOR THIS PUBLIC HEARING. IS THERE ANYBODY HERE WHO HOLD WHO WOULD LIKE TO ADDRESS THIS FOR FULL PURM -- AVERY RANCH ANNEXATION, ITEM NO. 40? AGAIN, QUESTIONS FOR STAFF, COUNCIL, COMMENTS? IF NOT, I'LL ENTERTAIN A MOTION TO CLOSE THIS PUBLIC HEARING. MOTION MADE BY COUNCIL MEMBER MARTINEZ, SECONDED BY COUNCIL MEMBER COLE TO CLOSE THIS PUBLIC HEARING, ITEM NO. 40. PUBLIC COMMENTS. HEARING NONE, ALL THOSE IN FAVOR SAY AYE.

AYE.

MAYOR WYNN: AYE. OPPOSED?

MAYOR WYNN: MOTION PASSES ON A VOTE OF 6-0. ITEM NO. 41, CONDUCT A PUBLIC HEARING REGARDING A FLOODPLAIN

VARIANCE. WELCOME MR. GEORGE OSWALD.

MAYOR, COUNCIL, GEORGE OSWALD, WATERSHED PROTECTION AND DEVELOPMENT REVIEW. THE ACTION BEFORE YOU WITH ITEM 41 IS TO CONDUCT A PUBLIC HEARING TO CONSIDER AN ORDINANCE FOR VARIANCE REQUEST BY MELINDA MYERS SIMMEN AND FRANK SIMMEN TO ALLOW CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE AT 6704 PIXIE COVE AND THE 100-YEAR FLOODPLAIN OF LAKE AUSTIN AND TO WAIVE THE REQUIREMENTS TO A DEDICATE A DRAINAGE EASEMENT OF THE FULL 100 YEARS FOR THE FOOTPRINT OF THE PROPOSED HOUSE AND ATTACHED GARAGE. MAYOR AND COUNCIL, BEFORE I GO INTO THIS, I NEED TO CORRECT THE BACKGROUND INFORMATION THAT WAS INCLUDED IN THE RCA. WE'VE BEEN INTERACTING WITH THE APPLICANT ON THIS REQUEST FOR MANY MONTHS, AND DURING THAT PERIOD WE'VE RECEIVED A NEW FLOODPLAIN MODEL FROM LCRA THAT WAS PART OF THE COUNTY WIDE FLOODPLAIN MAP MODERNIZATION PROCESS. THE LATEST FLOODPLAIN MODEL SHOWS THAT THE FLOODPLAIN ELEVATION AT THIS LOCATION IS THREE-TENTHS OF A FOOT LOWER THAN THE BENCHMARK THAT WAS INCLUDED IN THE RCA INFORMATION, AND AS I GO THROUGH THIS I WILL HIGHLIGHT THOSE DIFFERENCES. IT DOESN'T CHANGE OUR RECOMMENDATION, BUT I WILL BRING THOSE NEW FACTS TO BEAR THIS EVENING. ALL RIGHT. THE APPLICANT DESIRES TO DEMOLISH AN EXISTING HOME ON THIS LOT THAT'S APPROXIMATELY 1700 SQUARE FEET AND TO CONSTRUCT A NEW HOME OF 4400 SCWAIRT. THE...SCWAIRT SQUARE..... SQUARE FEET. THE LOT ENTIRELY WITHIN THE FLOODPLAIN OF LAKE AUSTIN. THE CONFLICT IS ALSO ASKED TO GO EXCLUDED FROM THE EASEMENT OF THE FOOTPRINT FOR THE PROPOSED BUILDING STRUCTURE. THIS IS THE LOCATION OF THE LOT ADJACENT TO LAKE AUSTIN. OBVIOUSLY HERE'S THE LAKE -- THIS AERIAL PHOTO WAS TAKEN IN THE WINTER AND THE BEACH BENCH OR THE BENCH THAT'S UNDER THE SHALLOW WATER IS EXPOSED, BUT WHAT WE'VE DONE, WE'VE PUT THE FLOODPLAIN LIMITS ON THIS DISPLAY. THE DARK BLUE LINE IS THE LIMITS OF THE 25-YEAR FLOODPLAIN, AND THAT'S NOT RELEVANT TO THIS SITUATION. THE LIGHT BLUE AREA IS THE LIMITS OF THE 100-YEAR FLOODPLAIN, AND THE

SUBJECT LOT, WHICH IS OUTLINED IN RED ON THIS DISPLAY IS ENTIRELY WITHIN THE 100-YEAR FLOODPLAIN. ALSO WHAT WE'VE DONE, WE'VE OVERLAID THE FOOTPRINT OF THE PROPOSED STRUCTURE HERE AND THE PROPOSED DRIVEWAY. ZOOMING IN, IN THIS DISPLAY WE'VE ALSO INCLUDED THE FOOTPRINT OF THE EXISTING DETACHED GARAGE AND THE EXISTING STRUCTURE SO YOU CAN SEE WHAT THE APPLICANT IS PROPOSING TO DO IN TERMS OF REMOVING THE EXISTING DETACHED GARAGE AND DEMOLISH THE HOUSE AND CONSTRUCT THE NEW HOME. THIS IS A PICTURE OF THE HOUSE STRUCTURE THAT'S CURRENTLY ON THE LOT IN THE BACKGROUND OVER HERE ON THE LEFT. YOU CAN SEE THE LAKE. THIS IS FROM THE FRONT OF THE HOUSE. THE REAR OF THE HOUSE. THE ARCHITECTURAL RENDERINGS OF THE PROPOSED NEW HOUSE STRUCTURE. OKAY. STAFF IS RECOMMENDING DENIAL OF THIS VARIANCE FOR TWO PRIMARY REASONS. THE SAFETY OF ACCESS, THE DEPTH OF... OF WATER AT THE CURB LINE IN FRONT OF THIS HOUSE IS 1.9 FEET, AND THE INFORMATION YOU HAD IN YOUR PACKET, IT WAS 2.2 FEET. THERE'S THREE..... THREE-TENTHS OF A FOOT DIFFERENCE. AS WE'VE DISCUSSED PREVIOUSLY IN THIS FORUM, SAFETY OF ACCESS FOR PUBLIC SAFETY PERSONNEL AND ALSO FOR THE PEOPLE IN THE HOUSE TO GET OUT DURING A HIGH-WATER EVENT IS A CONCERN, AND TYPICALLY THE STAFF'S CUTOFF LIMIT IS 1 1/2 FEET. THE OTHER MAJOR ISSUE IS THE OCCUPANCY IN THE FLOODPLAIN. OBVIOUSLY WHEN YOU GO FROM A 1700 SQUARE FEET HOUSE TO A 4400 SQUARE FEET HOUSE, THERE'S A SIGNIFICANT INCREASE IN OPPORTUNITY FOR ADDITIONAL INDIVIDUALS TO BE IN HARM'S WAY AT THIS LOCATION. ALSO, SINCE THERE'S ALREADY A HOME ON THIS LOT, THERE ARE NO HARDSHIP CONDITIONS ON THE LAND. SO FOR THOSE THREE PRIMARY REASONS WE ARE RECOMMENDING DENIAL OF THE VARIANCE. I'LL TAKE ANY QUESTIONS YOU MAY HAVE.

MAYOR WYNN: THANK YOU, MR. OSWALD. QUESTIONS OF STAFF, COUNCIL? COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: SO WHAT -- I UNDERSTOOD THAT THE IMPERVIOUS COVER OF THE PROPOSED DEVELOPMENT WAS LESS THAN EXISTING; IS THAT CORRECT?

WELL, WE DIDN'T ASSESS THAT, BUT IF YOU GO BACK -- LET ME --

LEFFINGWELL: HARD TO TELL.... TELL --

DOESN'T LOOK LIKE -- LET ME GET BACK TO THAT OVERLAY. IF YOU LOOK AT THIS DISPLAY, I BELIEVE IF YOU SUMMED UP THE TWO MAROON POLY GONZALES AGAINST.....POLYGONS, THERE IS A REDUCTION IN -- OF -- A SITE REDUCTION IN IMPERFECT YUS AREA IN THAT LOCATION. NOW, THAT DOESN'T IMPACT THE FLOODPLAIN CONDITIONS AT THIS LOCATION, THOUGH.

OKAY. AND THE DEPTH OF WATER THAT'S CONSIDERED TO BE A SAFETY HAZARD, THAT EXISTS ON THE STREET AS WELL?

IN TERMS OF -- LET ME GO BACK TO THE SUMMARY. I GOT TWO PIECES OF INFORMATION. AT THE STREET WHERE -- YOU KNOW, IT'S A TYPICAL ACCESS POINT, THE WATER WILL BE 1.9 FEET DEEP. IMMEDIATELY ADJACENT TO THE HOUSE IT'S ABOUT 1.7 FEET DEEP. SO IT'S STILL WET AT THE PERIMETER. THERE'S A SIGNIFICANCE DEPTH OF WATER AT THE PERIMETER OF THE PROPOSED STRUCTURE.

LEFFINGWELL: AND WHAT IS THE LIMIT FOR EMERGENCY VEHICLES?

WELL WORKED WITH FIRE AND WE'VE REACHED A BENCHMARK OF 1 1/2 FEET, 18 INCHES IS A TYPICAL BENCH..... BENCHMARK. A SEDAN COULDN'T GO THROUGH THAT BUT A LARGE WHEEL VEHICLE COULD.

MAYOR WYNN: MAYOR PRO TEM?

DUNKERLEY: THE STRUCTURE IS HOW FAR ABOVE THE FLOODPLAIN?

IT IS ONE-TENTH -- THE FLOOR ELEVATION IN THE EXISTING STRUCTURE WITH THIS NEW FLOODPLAIN INFORMATION IS ONE-TENTH OF A FOOT ABOVE. SO IT WOULD TAKE SOMETHING SLIGHTLY IN EXCESS OF A HUNDRED YEAR INFLUENCED TO FLOOD TO GET WATER INTO THE EXISTING

STRUCTURE. THE PROPOSED STRUCTURE WILL BE AT LEAST A FOOT ABOVE AND THERE ARE SOME AREAS THAT WILL BE MORE THAN A FOOT ABOVE ON THE LOWEST FLOOR ELEVATION. SO THERE IS AN IMPROVEMENT IN TERMS OF THE PROPOSED STRUCTURE IN TERMS OF OPPORTUNITY -- OR REDUCTION IN OPPORTUNITY FOR WATER GETTING INTO THE STRUCTURE.

DUNKERLEY: OKAY. SO IT WILL BE REALLY, ACTUALLY SAFER FOR INDIVIDUALS --

SAVE REFUSE.....SAFE.

FOR INDIVIDUALS IN THAT HOME RATHER THAN THE WAY IT IS NOW.

IT WILL BE A SAFE CONDITION WITH RESPECT TO THE ELEVATION.

ALL RIGHT. THANK.....THANK YOU.

MAYOR WYNN: MR. OSWALD, REMIND ME, HOW WOULD YOU CHARACTERIZE THE PLACE -- BUT, YOU KNOW, THE FLOOD WAY VERSES THE FLOODPLAIN. WHAT IS THE SORT OF CHARACTERISTIC OF WATER RISING AT THIS LOCATION?

IF YOU THINK ABOUT IT THE COLORADO RIVER IS VERY DIFFERENT ABOUT..... THAN THE USUAL FLASH FLOOD CONDITIONS WE WORK WITH IN WALLER..ER AND THE OTHER. THE WATER COMES UP FLOAR BUT IT STAYS HIGH FOR A MUCH LONGER PERIOD. AND NONE OF THE CONCERNS DURING THESE HIGH WATER EVENTS IS IF A HOUSE CATCHES ON FIRE AND THE PUBLIC SAFETY PEOPLE GETTING THERE TO TAKE CARE OF THAT. THAT HAPPENED IN 2001 IN ONION CREEK. A HOUSE DID BURN DOWN WITHOUT -- FIRE..... FIREMEN COULD NOT GET IN THERE TO TAKE CARE OF IT. SO THAT'S -- OBVIOUSLY IF YOU'RE GOING TO HAVE A BIG FLOOD ON THE COLORADO RIVER YOU'RE GOING TO KNOW THE WATER IS COMING, AND UNLESS IT RISES VERY QUICKLY YOU CAN'T CHARACTERIZE EVERY FLOOD. HOPEFULLY PEOPLE AREN'T IN THERE IN THE MIDDLE OF THE NIGHT AND THEY CAN LEAVE THE STRUCTURE, BUT THERE IS THAT RESIDUAL ISSUE OF PUBLIC SAFETY

PERSONNEL POSSIBLY HAVING TO GET TO THE STRUCTURE DURING A HIGH WATER EVENT, EVEN IF IT ISN'T OCCUPIED.

DUNKERLEY: MAYOR?

MAYOR WYNN: MAYOR PRO TEM.

DUNKERLEY: BUT ISN'T IT ALSO TRUE, AS YOU SAID EARLIER, YOU HAVE EXACTLY THE SAME CONDITIONS WITH THAT HOME THAT'S THERE NOW, AND AT LEAST WITH THE NEW STRUCTURE IT WOULD BE A FOOT OR SO HIGHER. SO YOU HAVE THE SAME PUBLIC SAFETY -- I MEAN, YOU'RE GOING TO HAVE THE SAME DEPTH ON THAT STREET NO MATTER WHICH STRUCTURE IS THERE.

AND BELIEVE ME, WE HAD A LOT OF INTERNAL DISCUSSION TO COME TO THIS RECOMMENDATION, AND THAT LED US TO THE INCREASED OCCUPANCY, THE FACT THAT THERE COULD BE MORE PEOPLE IN THE NEW STRUCTURE THAN IN THE EXISTING STRUCTURE, AND THAT WAS WHAT REALLY TIPPED US TOWARD THE RECOMMENDATION TO DENY. I DO AGREE THAT THE -- THE WATER IS AT THE ROAD REGARDLESS OF WHAT'S THERE.

MAYOR WYNN: WE DO HAVE A SPEAKER OR TWO TO ADDRESS IN THE HEARING. GO AHEAD.

I WANTED TO ASK, MR. OSWALD, DO YOU KNOW THE SQUARE FOOTAGE OF THE NEIGHBORING STRUCTURES ON THAT SAME COVE? I'M LOOKING AT AN AERIAL PHOTO OF PIXIE COVE AND IT LOOKS LIKE THE STRUCTURE TO THE SOUTH OF IT IS EXTREMELY LARGE IN SQUARE FOOTAGE.

I DON'T THINK WE... WE ASSESSED -- WE LOOKED STRICTLY AT THIS CONDITION. WE DID NOT LOOK AT THE ADJACENT PROPERTIES. WE'RE ASSESSING THE PUBLIC SAFETY ISSUE STRICTLY FOR THIS PROPOSAL.

I HAVE ANOTHER QUESTION BUT I'LL WAIT TO HEAR THE SPEAKERS.

MAYOR WYNN: THANK YOU, COUNCIL MEMBER. SO LET'S SEE. COUNCIL -- MR. JIM BENNETT IS SIGNED UP WISHING TO

ADDRESS THIS IN FAVOR OF THIS VARIANCE. THANK YOU, MR. BENNETT. YOU'LL HAVE THREE MINUTES AND BE PREPARED TO ANSWER SOME QUESTIONS AS WELL.

MAYOR AND COUNCIL, I'M JIM BENNETT AND I'M HERE ON BEHALF OF THE SIM ENS' REQUEST TO BUILD A NEW HOME IN THIS FLOODPLAIN. FIRST OF ALL I'D LIKE TO THANK STAFF WHO I'VE MET NUMEROUS TIME AH TIMES AND THEY'VE BEEN VERY OPEN AND HELPFUL IN THEIR CONSIDERATION OF THIS PROJECT. THE ORIGINAL SUBDIVISION WAS APPROVED IN 1964 AND THERE WAS A LAND SWAP BETWEEN NOT THE CURRENT OWNERS OF EITHER LOTS, BETWEEN LOTS 58 AND 59, AND AS A RESULT OF THAT THAT WAS NOT A PLATTED LAND SWAT.....SWAP SO IT DIDN'T MEET THE CRITERIA FOR A SUBDIVISION THAT WAS PRIOR TO 1983 BECAUSE OF LAND SWAP, THE CITY HAS ISSUED A LAND STATUS DETERMINATION SAYING IT'S A LEGAL TRACT BUT IT DOESN'T -- IT HASN'T BEEN PLATTED. THE EXISTING HOUSE, AS MR. OSWALD INDICATED TO YOU, IS BELOW THE FLOODPLAIN. THE NEW HOUSE IS PROPOSED TO BE 2-FOOT ABOVE THE FLOODPLAIN, SAVE AND EXCEPT FOR THE LIVING ROOM, WHICH IS A ONE STEP DOWN, AND IT WILL BE ONE FOOT ABOVE THE 100-YEAR FLOODPLAIN. RELATIVE TO THE ACCESS, AS GEORGE INDICATED TO YOU THOSE NUMBERS HAVE CHANGED AND I THINK IT'S 1.9 NOW AS FAR AS THE ACCESSIBILITY TO IT, WHICH IS .3 OR THREE-TENTHS AFTER FOOT GREATER THAN WHAT YOU NORMALLY CONSIDER FOR YOUR FIRE TRUCKS. MY CLIENT, MS. SIM ENS EVENS BOUGHT THE PROPERTY IN 2000 WITH ANTICIPATION OF REMOVING THE HOME AND BUILDING A NEWER HOME ON THE LOT AND SHE WENT THROUGH DUE DILIGENCE, INCLUDING A LAND STATUS DETERMINATION, AND THOUGHT ALL BASES WERE COVERED UNTIL SUCH TIME AS SHE GOT INTO THE PERMITTING PROCESS AND THEN THAT'S WHEN THE FLOODPLAIN ISSUE CAME UP. WE CONTEND THAT AS FAR AS THE EMERGENCY ACCESSIBILITY GOES, THAT BY WHATEVER METHODOLOGY THE EMS PEOPLE WOULD RESCUE US FROM THIS EXISTING HOUSE, I PRESUME THEY WOULD USE THE SAME METHODOLOGY TO GET US OUT SHOULD AN EVENT OCCUR AND NECESSITATE ASSISTING US TO GET OUT OF THE STRUCTURE. WHATEVER THAT METHOD IS NOW WILL BE THE SAME METHOD WHEN WE'RE COMPLETE

WITH A NEW HOME. THE NEW HOME CERTAINLY IMPROVES THE FLOODPLAIN SITUATION AS MUCH AS THE OLD ONE IS BELOW THE FLOODPLAIN, THE NEW ONE WILL BE ABOVE IT. RELATIVE TO COUNCIL MEMBER'S QUESTION ABOUT THE SIZE OF THE STRUCTURE, I DO NOT HAVE EXACT CALCULATIONS, BUT I BELIEVE THIS HOME THAT'S ON THE EXISTING LOT IS PROBABLY ONE OF THE SMALLER ONES IN THE SUBDIVISION, CERTAINLY ON PIXIE COVE IT'S SMALLER. RELATIVE TO THE NUMBER OF PEOPLE, CERTAINLY IT'S A LARGER HOME. THE SIMMENS ARE NO LONGER BEARING CHILDREN. THEY DO HAVE CHILDREN BUT THEY'RE ALL ADULT CHILDREN AND THEY HAVE LEFT THE CONFINES OF THE NEST, AND WE WOULD REQUEST THAT COUNCIL APPROVE THE WAIVER AND ALLOW THIS CONSTRUCTION OF THIS OUTDATED HOME BE REPLACED WITH A NEW MORE MODERN HOME. BE..I'LL BE AVAILABLE SHOULD YOU HAVE ANY QUESTIONS.

MAYOR WYNN: THANK YOU, MR. BENNETT. QUESTIONS OF THE AGENT, COUNCIL? THANK YOU, SIR. SO COUNCIL, THAT'S ALL OF OUR CITIZENS WHO WOULD LIKE TO ADDRESS THIS REGARDING THIS PUBLIC HEARING. COUNCIL MEMBER MARTINEZ?

MARTINEZ: I JUST WANTED TO ASK SOME QUESTIONS FOR MARTY. IF WE -- IF WE GO AGAINST STAFF RECOMMENDATION AND GRANT THIS VARIANCE, WHAT DOES IT DO TO THE CITY IN TERMS OF LIABILITY IF A FLOOD HAPPENS? I REALIZE IF WE HAVE A HUNDRED YEAR FLOOD WE GOT BIGGER PROBLEMS THAN PIXIE COVE, BUT WHAT DOES IT DO IN THIS SPECIFIC CASE IN THIS DECISION?

I'M GOING TO ASK HOLLY NOEL CI, WHO IS THE ATTORNEY FOR THE -- THE DEPARTMENT THAT'S BEEN DIRECTLY INVOLVED IN THIS TO RESPOND TO THE QUESTION.

THE CODE SPECIFICALLY ADDRESSES THOSE CONDITIONS UNDER WHICH A VARIANCE CAN BE GRANTED, AND IF THE -- THE ORDER -- I BELIEVE THAT THE VARIANCE ORDER THAT'S BEFORE YOU CONTAINS SUFFICIENT FINDINGS TO COMPLY WITH THE CODE REQUIREMENTS, SO I THINK THAT YOUR ACTION WOULD BE FOUND TO BE REASONABLE.

THANKS.

I JUST WANTED TO THANK STAFF FOR THEIR WORK ON THIS. YOU KNOW, I KNOW THAT WE -- WE HAVE GUIDELINES AND PARAMETERS AND WE HAVE FLOOD LINES DRAWN FOR VERY SPECIFIC REASONS, BUT, YOU KNOW, WE ALSO HAVE A VARIANCE REQUESTING PROCESS, AND THERE'S A REASON FOR THAT, AND I THINK IT'S SO THAT YOU CAN INJECT REASON INTO DECISIONS LIKE THIS, AND ALL THINGS BEING CONSIDERED, I BELIEVE THAT THE VARIANCE IS A REASONABLE REQUEST, AND SO I.. I WILL BE VOTING TO GRANT THE VARIANCE..... VARIANCE. I'LL MAKE THAT MOTION.

MAYOR WYNN: MOTION BY COUNCIL MEMBER MARTINEZ TO CLOSE THE PUBLIC HEARING AND APPROVE THIS VARIANCE. SECONDED BY MAYOR PRO TEM. COMMENTS, QUESTIONS? COUNCIL MEMBER LEFFINGWELL?

LEFFINGWELL: WELL, FIRST, MAYOR, THAT LOOKED LIKE A PRETTY NICE HOUSE. INI THINK IT'S A BIG MISTAKE TO TEAR IT DOWN AND BUILD A NEW ONE, BUT THAT'S YOUR BUSINESS. BUT I'M GOING TO SUPPORT THE REQUEST FOR VARIANCE, ONLY BECAUSE IT'S ON LAKE AUSTIN. IF IT WERE ON AN URBAN CREEK WHERE YOU HAD THE POSSIBILITY OF A FLASH FLOODING EVENT, I WOULD NOT SUPPORT IT, BUT IN THIS CASE I WILL.

MAYOR WYNN: THANK YOU COUNCIL MEMBER. FIRST COMMENTS, QUESTIONS? MOTION AND SECOND ON THE TABLE TO CLOSE THE PUBLIC HEARING AND APPROVE THIS VARIANCE AS REQUESTED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

MAYOR WYNN: OPPOSED? MOTION PASSES ON A VOTE OF 6-0. THANK YOU ALL VERY MUCH, AND THANKS, STAFF, FOR THEIR WORK. MS. GENTRY? -- MS. -- SO THERE BEING NO MORE BUSINESS BEFORE THE CITY COUNCIL AGENDA, WE STAND ADJOURNED. IT IS 6:51 P.M.

End of Council Session Closed Caption Log

